





INDIANA  
STATE LIBRARY



Digitized by the Internet Archive  
in 2010 with funding from

the Institute of Museum and Library Services under the provisions of the Library Services and Technology Act; Lyrasis Member of the Open Foundation







# **JOURNAL**

OF THE

## **HOUSE OF REPRESENTATIVES**

OF THE

### **STATE OF INDIANA,**

BEING THE

#### **EIGHTEENTH SESSION**

OF THE

#### **GENERAL ASSEMBLY;**

BEGUN AND HELD AT INDIANAPOLIS, IN SAID STATE, ON MONDAY

THE SECOND DAY OF DECEMBER, A. D. 1833.

---

INDIANAPOLIS:

W. BOLTON, PRINTER.

.....

1833.



38221

INDIANA STATE LIBRARY

INDIANA STATE LIBRARY

# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES,

AT THE EIGHTEENTH SESSION OF

### THE GENERAL ASSEMBLY OF THE STATE OF INDIANA,

*Begun and held at the Capitol in the town of Indianapolis, on Monday the second day of December, in the year of our Lord one thousand eight hundred and thirty-three; being the day appointed by law for the meeting of the General Assembly.*

THE FOLLOWING MEMBERS OF THE HOUSE OF REPRESENTATIVES  
APPEARED AND TOOK THEIR SEATS, TO WIT:

*From the county of Wayne*—William Steele, John Jones, Abner M. Bradbury and Abel Thornberry.

*From the county of Dearborn*—George H. Dunn, Thomas Guion and David Guard.

*From the county of Washington*—Woodbridge Parker and Henry C. Monroc.

*From the county of Orange*—Shadrach B. A. Carter and Joel Vandever.

*From the county of Lawrence*—John Brown and Absalom Fields.

*From the county of Jefferson*—Nathan B. Palmer and James H. Wallace.

*From the county of Rush*—Marinus Willet and Samuel Bigger.

*From the county of Harrison*—Frederick Leslie and George P. R. Wilson.

*From the county of Putnam*—Rees Hardesty and George Piercy.

*From the county of Fountain*—Thomas J. Evans and Lawson B. Hughes.

legislative action. Whatever attitude our deliberations may assume, tending to a propitious result of our legislative efforts, you have the assurance, gentlemen, of my hearty and zealous co-operation.

On motion of Mr. Huntington,

The house proceeded to the election of principal clerk, Messrs. Huntington and Reid acting as tellers.

On counting the ballots it appeared that Albert S. White was unanimously elected, who was thereupon sworn into office by the Hon. Isaac Blackford and entered upon the discharge of his duties.

On motion of Mr. Stanford,

The House proceeded to the election of assistant clerk, Messrs. Stanford and Willet acting as tellers.

On counting the ballots it appeared that Jesse Jackson had 48 votes, John Livingston 17 votes, Harrison R. Thomas 6, votes.

Mr. Jackson having received a majority of all the votes given was declared duly elected, was sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

On motion of Mr. Levenworth,

The House proceeded to the election of an enrolling clerk, Messrs Levenworth and Thompson acting as tellers.

On counting the ballots it appeared that Rufus Haymond had 48 votes, Delana R. Eckles 25 votes.

Mr. Haymond having received a majority of all the votes given, was declared duly elected, was sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

On motion of Mr. Howell,

The House proceeded to the election of a doorkeeper, Messrs. Howell and Crume acting as tellers.

On counting the first ballot it appeared that there was no election, no person having received a majority of all the votes given.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment,

And continued the election of door-keeper.

On counting the fifth ballot, it appeared that James A. Groves had 36 votes, John B. E. Reid 27 votes, James Fisher 8 votes.

Mr. Groves having received a majority of all the votes given, was declared duly elected, was sworn into office by Caleb Scudder, Esq. and entered upon the discharge of his duties.

On motion of Mr. Moore,

*Resolved*, That the clerk of this House inform the Senate that the House of Representatives have convened, formed a quorum, elected Nathan B. Palmer Speaker, Albert S. White principal

clerk, Jesse Jackson assistant clerk, Rufus Haymond enrolling clerk and James A. Groves door-keeper, and are now ready to proceed to legislative business.

On motion of Mr. Brady,

*Resolved*, That the editors of the Journal and Democrat be admitted within the bar as reporters of the proceedings of this House.

On motion of Mr. Levenworth,

*Resolved*, That the rules and joint rules that were adopted at the last session of the General Assembly by the House of Representatives for their government, be and the same are hereby adopted for the government of the House of Representatives during the present session, and that the clerk inform the Senate of the adoption of these joint rules.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

I am instructed by the Senate to inform the House of Representatives that they have adopted the following resolution:

*Resolved*, That the House of Representatives be informed that the Senate has convened, formed a quorum, elected Austin W. Morris Secretary, James Morrison assistant Secretary, John Findiey enrolling Secretary, Isaac Naylor Sergeant at Arms and Oliver Morse Door-keeper, and that they are now ready to proceed to legislative business.

On motion of Mr. Beem,

*Resolved*, That a committee of two be appointed on the part of this House, to act with a similar committee to be appointed on the part of the Senate, to wait on his Excellency the Governor, and inform him that the two Houses of the General Assembly have convened, elected their officers and are ready to receive any communication he may be pleased to make to them, and to know of him at what time he will make such communication;

Whereupon Messrs. Beem and Wallace were appointed that committee on the part of the House.

*Ordered*, That the clerk inform the Senate thereof.

On motion of Mr. Howell,

*Resolved*, That a committee of one be appointed on the part of the House of Representatives to act with a similar committee on the part of the Senate, to wait on the Rev. C. W. Ruter, and request him to attend in the Representative Hall, instantler, to open the present session of the General Assembly of the State of Indiana, by solemn prayer, and that the Senate be invited to attend in the Representative Hall, and that seats be provided for them on the right of the Speaker's chair.

Mr. Stanford moved the following resolution:

*Resolved*, That the printers for the State, be authorised to print seventy-five copies of the rules and joint rules adopted by the House, for the use of the members thereof.



Mr. Reid moved to amend said resolution by striking out the word "seventy-five," and inserting in lieu thereof "one hundred and fifty."

Mr. Hargrove called for a division of the question;

It was therefore put on striking out, and carried in the affirmative.

Mr. Hargrove proposed to fill the blank with "one hundred."

Mr. Levenworth moved to lay said resolution and proposed amendments on the table;

Which motion was decided in the negative.

On motion of Mr. Steele,

The further consideration of said resolution and proposed amendments were postponed until to-morrow morning.

On motion of Mr. Huntington,

The vote taken on the adoption of the resolution moved by Mr. Howell appointing a committee to wait on the Rev. C. W. Ruter, &c. was reconsidered, and said resolution was laid on the table;

And then the House adjourned until to-morrow morning at 9 o'clock.

## TUESDAY MORNING, DECEMBER 3d, 1833.

The House met pursuant to adjournment.

The Speaker announced the following as the order of business to be observed, until otherwise directed by the House:

1. Reading the Journals of the preceding day.
2. Petitions, memorials and remonstrances.
3. Reports from standing committees in the following order—  
1, of elections; 2, of ways and means; 3, on the judiciary; 4, on education; 5, on military affairs; 6, on the affairs of the state prison; 7, on the affairs of the town of Indianapolis; 8, on claims; 9, on roads; 10, on canals and internal improvements; 11, on public buildings.
4. Reports from select committees (except the committee of enrolled bills which may report at any time.)
5. Resolutions of the House.
6. Joint resolutions.
7. Bills.
8. Orders of the day.

The Speaker appointed the following joint committee on public buildings:

Messrs. Dunn, Smith of K., Brown of T., Bigger, McBean, Brackenridge and Stewart.

Ordered, That the clerk inform the Senate of the appointment of said committee.



The Speaker also appointed the following standing committees, to wit:

1. *Committee of elections*—Messrs. Angle, Brown of L., Vanderveer, Beem, Bradbury, Craig, Moore, Monroe and Bennet.

2. *Of ways and means*—Messrs. Crume, Wallace, Davis, Levenworth, Clark, Smith of K., Stanford, De Pauw, Hardesty, Edwards and Davenport.

3. *On the judiciary*—Messrs. Thompson, Dunn, Smith of F., Willet, Wright of P., McDonald, Evans, Brown of T., Brackenridge, Pearson, Bigger, Colerick and Carter.

4. *On education*—Messrs. Willet, Pearson, Thompson, Dunning, Gookins, Huntington, Kiser, Wright of P., Smith of F., Parker and McDonald.

5. *On military affairs*—Messrs. Reid, Steele, Howell, Bramwell, Kilgore, Smith of R., Snapp, Wright of P. and D., Noble, Nichols and Vance.

6. *On the affairs of the state prison*—Messrs. Carter, Dorsey, Bramwell, Dunning, English, Leslie, Smith of R., Piercy and Ferguson.

7. *On the affairs of the town of Indianapolis*—Messrs. Wallace, Brady, Davis, Bradbury, Angle, Noble, Jones, Kilgore, Howell and Stewart.

8. *On claims*—Messrs. Hargrove, Stanford, Wilson, Woodruff, Thornberry, Williams, Hughes, Guion, Fowler and Foster.

9. *On roads*—Messrs. Steele, Howell, Levenworth, Bramwell, Clark, Brady, Yocom, Woodruff, Parker, Dorsey, Kiser, Hughes and Nichols.

10. *On canals and internal improvements*—Messrs. Huntington, M'Bean, Evans, Vance, Colerick, De Pauw, Hardesty, Fields, Stafford, Davenport and Guard.

The Speaker laid before the House a communication from John Luther, contesting the election of William Yocom, Representative from Clay county, with accompanying documents; which were read, and

On motion of Mr. Hargrove, referred to the committee of elections.

The Speaker laid before the House communications from the clerks of the counties of Washington, Daviess, Owen, Vanderburgh, Warrick, Marion, Tippecanoe, Fountain, Sullivan, Franklin and Monroe, respectively certifying the returns of elections for Representative in Congress; which were severally read, and

On motion of Mr. Wallace,

Ordered, That the same do lie on the table.

On motion of Mr. Stanford,

The House resumed the consideration of the resolution offered by him on yesterday, relative to printing the rules and joint rules of the House.

The question was then put on the motion of Mr. Reid to fill

the blank in said resolution with "150," and carried in the affirmative.

Said resolution, as amended, was then adopted.

On motion of Mr. Stanford,

The resolution offered by Mr. Howell and laid on the table on yesterday appointing a committee to wait on the Rev. C. W. Ruter, &c. was taken up and adopted;

Whereupon, Mr. Howell was appointed of that committee on the part of the House.

*Ordered*, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER.

I am instructed by the Senate to inform the House of Representatives, that they reciprocate the resolution of the House, appointing a committee to wait on his Excellency the Governor, and inform him that the two Houses have met, elected their officers, and are ready to hear any communication he may think proper to make, and to know of him at what time he will make a communication, and that Messrs. Feeny and Morgan have been appointed a committee on the part of the Senate.

Mr. Evans moved the following resolution:

*Resolved*, That the door-keeper of this House be instructed to contract with the editors of the Journal and Democrat, to furnish for distribution at the expense of the state, three of their respective papers to each member of this House as they are published during the session.

Mr. Brown of L. moved to amend the same by striking out "three," and inserting in lieu thereof "one;" which motion was decided in the negative.

The question then recurred on the adoption of said resolution;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bigger, Brackenridge, Bradbury, Brady, Brown, of T., Colerick, Craig, De Pauw, Dorsey, Edwards, English, Evans, Fowler, Gookins, Guion, Hargrove, Hughes, Huntington, Jones, Kiser, Leslie, Levenworth, McBean, McDonald, Monroe, Moore, Nichols, Noble, Parker, Pearson, Smith of F., Smith of K., Snapp, Stafford, Stanford, Stewart, Thompson, Thornberry, Williams, Wilson, Wright of P., Wright of P. and D. and Yocom--43.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Bennet, Bramwell, Brown of L., Carter, Clark, Crume, Davenport, Davis, Dunning, Ferguson, Fields, Foster, Guard, Hardesty, Howell, Piercy, Reid, Smith of R.,

Steele, Vance, Vandever, Wallace, Willet, Woodruff and Palmer Speaker—27.

So said resolution was adopted.

On motion of M. English,

*Resolved*, That a committee of two be appointed on the part of this House, to act with a similar committee on the part of the Senate as a committee of enrolled bills;

Whereupon, Messrs, English, and Dunning were appointed that committee on the part of the House.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Hargrove moved the following resolution:

*Resolved*, That this House will proceed on Thursday next at 2 o'clock P. M. to the election of prosecuting attorneys, that the Senate be informed thereof, and a similar resolution be requested on their part, and that                    be appointed teller on the part of this House.

Mr. Huntington moved to lay said resolution on the table;

Which motion was decided in the negative.

On motion of Mr. Wallace,

The same was amended by striking out so much thereof as relates to the appointing of a "teller."

On motion of Mr. Willet, said resolution was further amended by striking out "2 o'clock P. M." and inserting in lieu thereof "10 o'clock A. M."

Said resolution as amended, was then adopted by the House.

Whereupon, Mr. Hargrove was appointed teller.

*Ordered*, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate has adopted the following resolution:

*Resolved*, That the joint rules, which were in force for the government of the last General Assembly, be adopted by the Senate, as rules of joint action for the present session, and that the House of Representatives be informed of the adoption of said joint rules.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate reciprocate the resolution of the House appointing a committee to act with a similar committee on the part of the Senate, to wait on the Rev. C. W. Ruter, and request him to attend in the Representative Hall this morning, and open the present General Assembly by solemn prayer.

Mr. Wallace has been appointed a committee on the part of the Senate.

On motion of Mr. Smith of K.,

*Resolved*, That the committee on canals and internal improvements, be instructed to inquire into the expediency of providing



by law for the improvement of the navigation of the Wabash river between its mouth, and the southern termination of the Wabash and Erie canal, and more especially, that part of said stream over which the States of Indiana and Illinois have concurrent jurisdiction; with leave to report by bill or otherwise.

Mr. Willet gave notice to the House that on to-morrow he should move to amend the rules by the addition of the following standing committees:

A committee on the erection and division of counties and towns, and

A committee on banking, currency and incorporated companies.

Mr. Hughes, after having obtained leave, presented a petition of Courtland Lawson of Fountain county, praying the passage of a law vacating the town of Sarah in said county;

Which was read and referred to a select committee of Messrs. Hughes, Angle and Pearson.

Mr. Brown of T. moved the following resolution:

*Resolved*, That the certificates of election presented by each member of this House, be referred to the committee of elections.

Mr. Steele moved to lay the same on the table;

Which motion was decided in the negative.

The question then recurred on the adoption of said resolution, and was carried in the affirmative.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate reciprocate the resolution of the House of Representatives, fixing on Thursday next at 10 o'clock A. M. for the election of prosecuting attorneys, and have appointed Mr. Morgan teller on the part of the Senate.

Mr. Howell made the following report:

The joint committee appointed to wait on the Rev. C. W. Ruter, and request him to open the present session of the General Assembly with solemn prayer have discharged that duty, and are authorized to say, that he will attend for that purpose in the Hall of the House of Representatives in instanter.

On motion of Mr. Brady,

*Resolved*, that the clerk invite the Senate to attend divine service in the House of Representatives, instanter, and that seats be provided for them on the right of the Speaker's chair.

The Senate then came down from their chamber and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker;

When the Rev. C. W. Ruter came in attended by the joint committee appointed for that purpose, and addressed the Throne of Grace with solemn prayer.

The Senate then returned to their chamber.

On motion of Mr. Vandever,

*Resolved*, That the judiciary committee be instructed to inquire into the propriety of amending the act defining privileges so far as it embraces attorneys and counsellors at law, and report by bill or otherwise.

Mr. Vandever, after having obtained leave, presented a petition of John Hollowell and others, citizens of Congressional township No. 1, South of range No. 1 East, praying the passage of an act for the relief of said Hollowell;

Which was read, when

Mr. Clark moved that the same be referred to the committee on education.

Mr. Vandever moved that said petition be referred to the committee on claims;

Which motion was decided in the negative.

The question was then put on the reference proposed by Mr. Clark, and passed in the affirmative.

On motion of Mr. Thompson,

*Resolved*, That the door-keeper of this House be directed to have the hand-railing of the Representative Hall repaired.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate has appointed Messrs. Leviston and Embree a committee on enrolled Bills.

On motion of Mr. Pearson,

*Resolved*, That the public printer be, and he is hereby authorized to print 100 copies of the list of standing committees of the House of Representatives for the use the members thereof.

Mr. Wallace made the following report:

The joint committee appointed to wait on the Governor and inform him of the organization of both Houses of the General Assembly, have discharged the duty assigned them, and received from the Governor information that he would meet both houses in the Hall of the House of Representatives at 2 o'clock to day and make his annual communication by Mr. Sheets, Secretary of State.

On motion of Mr. Evans,

*Resolved*, That the Senate be invited to attend in the Representative Hall, instantler, for the purpose of receiving the annual communication of his Excellency the Governor, and that seats be provided for them in front of the Speaker's chair, on the right and left of the aisle.



The Senate came down from their chamber and took their seats in front of the Speaker's chair on the right and left of the aisle, the President of the Senate on the right of the Speaker.

His Excellency the Governor then came in attended by the joint committee appointed for that purpose and in, presence of both Houses, by Williams Sheets Secretary, of State, delivered the following message:

*Gentlemen of the Senate*

*and of the House of Representatives:—*

THE favourable circumstances under which we are this day assembled, as to the general happiness and prosperity of our citizens, are calculated to awaken sentiments of the most lively gratitude towards the Giver of all Good for a continuance of favour and regard towards our flourishing and prosperous country. Since our last annual meeting our state has continued to advance with accelerated rapidity in population and improvement; a favourable season has rewarded the labour of the agriculturist with abundant crops, and thereby diffused activity and prosperity among all branches of industry and enterprize. It is true during the past summer our state was again visited with the epidemic and in some places severely afflicted; but whilst we are called upon to sympathize with the sufferers and mourn over the loss of many valuable lives, we have still abundant reason to be thankful that its ravages did not become general.

The receipts into the Treasury under our present revenue laws continue to increase in proportion to the expenditure. The sum brought into the Treasury from taxes during the present fiscal year amounts to \$41,458 11. The ordinary expenditures during the same period amount to \$41,172 92, leaving a balance of \$285 19; which, added to amounts in the Treasury from other sources, leaves a total balance, on 20th Nov. 1833, of \$17,667 79.

Reports from the Auditor and Treasurer will in due time be laid before you, showing in detail, the condition of our financial concerns.

Although our present revenue system is efficient and abundantly supplies the public wants, yet it is apparent that its assessment is defective, unequal, and unnecessarily expensive. At my request the Auditor of Public Accounts has, with some labour, prepared from the files of his office a tabular statement, showing the quantity of first, second, and third rate lands returned by the listers from the several counties in the state in the years 1831, 1832, and 1833. An examination of this statement which will be laid before you, will at once satisfy you of the imperfections of our present method of listing lands, and that in its practical results it is unequal and disproportionate among the several counties of the state. Notwithstanding the general directions as to fixing the rates of taxable lands, prescribed in the revenue laws, some coun-

ties return large proportions of first rate, and others, equal in fertility of soil and possessing other advantages in at least an equal degree, return little or none of that quality. It will also be seen from this statement, that the quality of lands returned by the listers is continually varying in its proportion, and the quantity of first rate land diminishing, notwithstanding the annual increase of the aggregate taxable lands in the state.

In compliance with the requisitions of a joint resolution of the last General Assembly, the Auditor has prepared from the tract books a statement of the actual quantity of lands taxable for the year 1833, from which, you will perceive, that the listers returns fall short of the true quantity of lands taxable for the present year, upwards of 220,000 acres, which, at the medium rate of taxation, would have produced to the Treasury the sum of thirteen hundred dollars. While this method of listing and rating the taxable lands in the state continues, no certain estimate can ever be made of the revenue that will accrue from lands, as the quality and quantity are continually varying. These imperfections can only be remedied by an entire change in the method of making assessments.

The several counties in the state have been furnished with a schedule or tract book, showing the quantity of taxable lands in their respective limits, with the addition of such as will yearly become liable to taxation. These books, it is, believed, entirely supersede the necessity of yearly assessments by county or township listers. With the aid of these, the duplicate of the preceding year, and the map of the county, the clerks of the several counties in making out the yearly duplicate, can furnish a true and correct assessment of the lands with less trouble, and for a compensation that will, in the item of listing, save the counties an expense of five or six thousand dollars annually. If you approve the remedy suggested, it may be well to direct that a new listing and rating shall be made every five years, that the quality of the lands subject to taxation may be determined; and for the purpose of establishing something like a general standard by which the relative quality of lands throughout the state shall be ascertained, and the amount of revenue collected from the several counties rendered more proportionate to the real value of the taxable lands, this listing and rating every five years could be performed by commissioners appointed for the purpose. If the legislature should deem it expedient to adopt the ad valorem system of taxation, the same method of listing and valuing lands and other property could be pursued.

Including that portion of the line authorised by the act of the last session of the General Assembly, thirty-two miles of the Wabash and Erie Canal have been placed under contract. The work during the past season has progressed with spirit and activity, and is executed in a manner that does credit to the commissioners, en-

gineers and contractors. By the terms of the contract the work now let out will be completed next season. Reports of its progress, and of the situation of the fund, will be laid before you by the several boards of commissioners.

In accordance with a resolution of the last session of the legislature, a communication was addressed to the Governor of Ohio requesting him, by a special communication, to call the attention of the legislature of that state, then in session, to the subject of the extension of the Wabash and Erie canal, from our line through the territory of Ohio to the lake. In compliance with this request his excellency Governor Lucas promptly laid the subject before the legislature of Ohio, and in that spirit of courtesy and kindness due from one state to another, resolutions were adopted by that body, stipulating that if Ohio should ultimately decline to undertake the completion of that portion of the work, within her limits, before the time fixed by the act of Congress for the completion of the canal, she will, on just and equitable terms, enable this state to avail herself of the benefit of the lands granted, by authorising her to sell them and invest the proceeds in the stock of a company to be incorporated by Ohio, and that she will give this state notice of her determination on or before the first of January, 1833. The legislature of that state has authorised and invited us to proceed by our agent, to select, survey, and set apart the lands lying within her territorial bounds. These resolutions are herewith laid before you.

The doubts heretofore entertained of the extension of the canal beyond our eastern boundary, through the territory of Ohio to the lake, being removed by the adoption of these resolutions, the lands along the route attracted public notice, and entries of choice lots were rapidly making at the land offices in Ohio. Apprised of this, the duty of applying to the Commissioner of the General Land Office for a suspension of the sales within the grant to this state, until the alternate sections could be selected, was performed; but instructions to the land offices in Ohio for that purpose were not obtained until June, nor until the subject was brought directly to the notice of the Secretary of the Treasury. In announcing his decision, and communicating the instructions given on the subject, the Secretary has expressed the wish that early provision may be made for the selection of the lands belonging to the state. I therefore request that this subject may receive such attention as will produce but little delay to the government in disposing of the public lands on the line; and, while assigning the duty of selecting the alternate sections to competent agents, it will remain for the legislature to indicate the way in which other lands shall be obtained of the general government in place of those sold and reserved within the grant, amounting in all to but little short of 80,000 acres.



Of the thirty-two miles now under contract, a considerable portion is either finished or in such a state of forwardness that many of the contractors will be out of employ shortly after operations shall be commenced in the spring. They have on hand the necessary wagons, carts, teams, tools, and implements making a costly equipage. These articles enter largely into the aggregate cost of constructing a canal, and upon a light job constitute about twenty per cent. of the full amount. With these outfits and with their experience and skill, the present contractors can undertake new contracts upon better terms than new adventurers; but if not employed in the spring, the cost of one or two years exertions to induce them to settle, will be lost, and these men, with the mechanics engaged in the service, and hundreds of labourers, who have obtained wages on the line, will be compelled to seek employment elsewhere. These considerations, the cheapness of the price of the work put out, compared with the estimated cost, the great reduction in the price of provisions on the line, the rapid accession of population induced by its commencement, the assurance we have of a hearty co-operation on the part of Ohio, justice to those who have purchased canal lands, and the great advantages that must accrue to the state, satisfy me of the expediency of the measure, and I most earnestly recommend that the operations upon the line may be continued with increased energy. If in the view taken, your opinions accord with mine, it will be necessary to anticipate the value of the canal lands by a further sale of stock, which, upon an examination of the subject, you will find can be done to the amount of from three to four hundred thousand dollars, without making the state treasury liable for any part of the interest or principal.

Looking to the completion of the canal, we are naturally induced to turn our attention to the improvement of the Wabash river. I had the satisfaction of announcing to the last General Assembly, that the State of Illinois had appropriated near twelve thousand dollars for the improvement of that river, if this state would apply an equal sum to the same object. As the subject was not finally acted on during the session, permit me again to recommend it to your attention. The object is one of sufficient interest and importance, unconnected with the canal, to demand an appropriation, at least equal to that of Illinois, as a much larger portion of our state is interested in the navigation of the Wabash than Illinois. I hope the liberality of that state will be met by Indiana as it deserves.

Another subject connected with the progress of our canal, as well as with the settlement and civil organization of our territory, and the peace and quiet of our citizens, is the extinguishment of the remaining Indian title to lands within our state. The hopes which were entertained and expressed during the last session, as to the speedy removal of this difficulty, have not been realized; and the efforts of the agents of the general government to effect

a purchase have been unavailing. The embarrassing question as to the course to be pursued, still remains for consideration with circumstances of far more pressing urgency, for a speedy determination.

The suggestions I had the honor of submitting to the last Legislature, on this subject, were misapprehended, probably from a want of precision in my expression. It was not my purpose to recommend, that our Indian population should be subjected to the entire civil jurisdiction of our laws, in the same manner with our own citizens, but so far only as would be necessary to prevent the frequent murders among themselves, to preserve the public peace of our own citizens, to protect the property of the surrounding settlements from constant depredations, and to prevent *their Territory* from being an asylum for the criminal violators of our laws.

By the several laws organizing the counties of Clinton, Cass and Grant, and forming the counties of Wabash, Huntington and Miami, and also defining the boundaries of Madison county, portions of the Indian lands were included in each, without any reservation or restriction in jurisdiction, in favor of either persons or territory. In this manner more than half of the Indian territory is included within and subjected to the ordinary jurisdiction of the country. This state of things cannot long continue without producing difficulty.

The receipts during the year, on account of the sales of lots in the town of Indianapolis, amount to six thousand five hundred dollars, the particulars of which will be presented in the report of the agent.

The contractor for the erection of the State House, has progressed with the work to the full expectations of the commissioners. Nearly a million and a half of brick have been laid in the walls, and the materials and workmanship are equal to the stipulations of the contract.

From the report of the visitor to the State Prison it appears that the superintendent continues faithfully to discharge his duty. The police of the establishment is said to be good, and due regard is paid to the health, comfort and morals of the inmates. The superintendent has, however, failed to report the productions derived from the various mechanical operations of the prison, with the profits arising from the labour of the prisoners, as is required by law.

Upon the Michigan road the improvements authorized by law have been prosecuted with vigor the past season, of which about forty frame bridges, from twenty to thirty miles of grading and a number of rough bridges for the ravines and drains on the line, constitute the major part. Of the lands donated to the road upwards of sixty-one thousand acres remain unsold. The report of the Commissioner may be expected in detail of his operations and exhibiting the state of the fund.



Since the organization of our state government several instances have occurred where, from the great increase of population in certain districts, the inequality in representation had become so great that the Legislature deemed it an act of justice to give additional representation to such districts, before the arrival of the period for making a general apportionment of the members of the General Assembly. It is believed a greater necessity now exists for such a measure in the northern part of the state, than in either of the former instances. The counties of Delaware, Grant and Huntington, and a considerable portion of Wabash, with a large extent of attached territory, constitute one Representative district; and Allen, Lagrange, Elkhart, St. Joseph, La Porte, and the territory attached, constitute another, and these, with Randolph, form one Senatorial district. These districts are equal to one sixth of the state, and include so large an extent of territory that it is impossible that the present Representatives can be acquainted with the general circumstances and wants of their constituents; and to these districts must shortly be annexed the counties that will be added to our jurisdiction from the extensive territory recently belonging to the Indians, the organization of which will share largely in the deliberations of the Legislature. Being well assured that the claims of that section of the state require it, and that the measure will save much time and expense to the state, allow me to advise an addition of three Representatives and one Senator.

The defects in our probate system are daily becoming more manifest, and I feel impelled again to present the subject to the consideration of the Legislature. In my last communication to the General Assembly, two plans of amendment were suggested, either of which, it was believed, would in a great measure remedy the evils. After bestowing some reflection on the subject, I will name for your consideration another method, by which, it is confidently believed, the desired results may be attained.

It is well known that an additional term of the Circuit Courts has, for some time, been loudly called for, and that considerations of economy alone have prevented the adoption of the measure. It is also known that the great expense attending the prosecution and defence of suits at law, is a cause of general complaint. This expense is a necessary consequence of the provisions of our practice act. Under our present system a case is docketed for the second or some subsequent day of the term, and although the writ was returnable on the first day, the defendant cannot be called upon for his defence, until the day for which it is docketed. The defendant may answer and go to trial immediately, or he may obtain time to plead. The plaintiff must be prepared for trial on the day assigned for his cause, and as the issue is not made, ignorant of the defence that will be set up, he is obliged to come prepared with witnesses to support and sustain his suit against

every possible defence that can be made to the action. As it often requires two or three days to make up the pleadings in a cause, the parties are kept in attendance one day after another, and it is not uncommon that the parties to a suit will summon, ten, fifteen or twenty witnesses, who, after being detained some days in this way, are discharged without being called on to give testimony. This is the principal cause of the great expense of litigation so much complained of.

In view then of the whole matter relative to our Probate and Circuit Courts, I propose that the Probate business be transferred to the Circuit Courts and that there be three terms in each year. Let the Probate business be set for the two first days of the term, where the court sits six days, and the four first, where twelve days are required; make it the imperious duty of the President Judges to examine the reports of administrators and executors, to instruct them as to their duties, and to see that suitable forms are prepared for them by the clerks; let the civil and criminal causes be docketed for trial on the third and succeeding days of the term, authorizing the courts to require the appearance of the defendants, take defaults, hear motions, enter rules, and compel parties to make up the pleadings during the first and second or any other days of the term, without reference to the days on which the causes are set for trial; and direct that the traverse jury be summoned to attend on the third day of the term. Under our present practice, the first days of the court are occupied in the trial of criminal causes requiring the almost constant attention of the Prosecuting Attorney; by which the grand jury is deprived of his services and not unfrequently detained several days longer than would be otherwise necessary to the full discharge of their duty. Have the grand jury empanelled on the first day as at present, that they may have the assistance of the Prosecutor, and upon this plan it is believed that in addition to the expenses of the petit jurors for two days, one half of the expenses of the grand juries may be saved to the counties. The per diem allowances for the ensuing year to the Probate Judges will amount to three thousand dollars, one thousand of which may be saved to the State Treasury, after fully compensating Circuit Judges for the additional labour required of them, should you approve and adopt these suggestions.

As considerable portions of the state have attained to such a degree of improvement as to have large amounts of surplus produce to dispose of, the absolute necessity of some increased facilities for its transportation to market is generally acknowledged. The construction of good roads and the improvement of our navigable streams, can only be effected, to any beneficial extent, by state authority. The means of the several counties are inadequate to the purpose, and moreover that unanimity and concert which are requisite to success, would be wanting. The experi-

ence of other states has abundantly proved that in no way can their wealth and resources be so successfully augmented, or the people rendered more prosperous than by the expenditure of money in such internal improvements as will facilitate the trade of the country. I am aware that Indiana is not able as yet to compete with New York, Pennsylvania or Ohio in a splendid scheme of internal improvements, we nevertheless have it in our power to do something for our citizens. No state in the union possesses a greater quantity of good land than ours, and all that is wanting to ensure to the industry of our citizens the same reward that is enjoyed by the citizens of other states, is the means of conveyance to market at an expense that will not entirely consume their profits.

For the promotion of our agricultural interests and to improve our commerce, would it not be desirable for the state to obtain a loan of from one hundred, to one hundred and fifty thousand dollars for fifteen or twenty years at an interest of four and a half per cent. to be applied to the improvement of the Wabash and White rivers, and to the state roads from the Ohio river through Princeton to Lafayette, from Louisville to Vincennes, from the same place to Indianapolis, from this place to Crawfordsville and Lafayette and from the seat of government to Rushville, Brookville and Harrison, and upon such other principal roads as will interest all the counties, and most subserve the public convenience. To meet the accruing interests and extinguish the debt without making the State Treasury liable for either, you may set apart the three per cent. fund amounting for the last years to twenty thousand dollars annually as a sinking fund to be applied in payment of the debt. If the sufficiency of these means of redemption be thought questionable, you can reduce the sum proposed. It is believed however, they will be ample, and if from any cause the dividend of three per cent. should be greatly curtailed, our citizens at the end of the fifteen or twenty years would willingly pay twenty-five or even fifty cents each to pay the remaining balance. In addition to the benefits to be otherwise conferred, the improvements referred to would greatly aid in stage transportation of the mails within our state.

Although it is admitted the legislature should not hastily engage in any plan of general state improvement, yet it would seem that both duty and interest demand preparatory measures for facilitating our exports and imports by improving our roads and navigable streams. To these the exigencies of the country will shortly require the addition of rail-ways. The vast importance of such undertakings as the latter should prevent our embarking prematurely, but while our sister states are acting with energy in these matters ought we to remain in ignorance of what we are capable of effecting? May not a board of internal improvement be constituted, or if that be thought inexpedient, may it not be



made the duty of one or more of the state officers to collect and digest information on the nature of the obstructions in our streams, their susceptibility of improvement, and the cost of, and advantages to be derived from canals and rail-ways? Were there merely a place where a more perfect knowledge of these matters could be collected and diffused, and to which public attention could be directed, individual enterprise and occasional aid from the general government, would furnish valuable materials, and the expenses incurred would be small compared with the importance of the objects to be obtained.

This view is based in part upon the conviction, that the great benefits flowing from the construction of the rail-ways now in progress in the adjoining states of Ohio and Kentucky, will, within the elapse of a few years, induce our citizens to demand such modes of conveyance from the hands of their representatives, of which, the most prominent will commence at the Ohio river and passing through the interior, terminate at our port of entry on the lake. The contemplation of such a work should encourage us to ask a survey of the route by one of the United States' engineers; and as the helping hand of the general government has, on but two occasions, been extended to Indiana, perhaps, fruitless as our prayers have been, a portion of the public domain on the line may be set apart to aid in its construction.

The opinions I have repeatedly expressed relating to the necessity of a general system of education, one that will carry its influence into every circle in society, have undergone no other change than to fasten on my mind its necessity in the preservation of our political and civil institutions.

The want of competent persons to instruct in our township schools is a cause of complaint in many sections of the state; and it is to be regretted, that in employing transient persons from other states combining but little of qualifications or moral character, the profession is not in that repute that it should be. Teachers permanently interested in the institutions of the country, possessing a knowledge of the manners and customs of our extended population and mingling with it, would be more calculated to render essential service and be better received than those who come in search of employment. The want of good instructors is a difficulty existing elsewhere; and, in several states of the Union. To obviate it, seminaries are established solely to instruct and prepare teachers, and these institutions, it is said, derive much benefit from connecting with them the manual labour system.

The constitution of our state enjoins it as a duty upon the legislature, "as soon as circumstances will permit, to provide by law for a general system of education." The best of all tests is practical results; and without waiting for overwhelming circumstances to force us to measures, should there not be some exertion that would more efficiently contribute in carrying into effect that

injunction of the constitution? Would it promote the object, and be good policy for the next legislature, to apply the interest of the fund arising from the Saline lands in establishing, on the manual labour or some other plan, one or more seminaries for the preparation of young men for township schools? Or would it not be policy, on the manual labour system, to connect a preparatory department of the kind with the Indiana college? In either case, that the benefits may be distributed equally to all parts of the state, young men for the institution should be apportioned on the scale of representation and selected from each county in such way as might be thought best. These enquiries are esteemed worthy of examination, but no other steps are advised than, if thought plausible, to consult the trustees and faculty of the college upon the propriety of the measure as regards the proposed connection with that institution.

You, gentlemen, are possessed of such information as will enable you to judge of the achievements of our late school law, and if not found equal in its operations, or if in any other way offensive or objectionable, you can apply the remedy.

As the northern part of our state is improving beyond the most sanguine expectations, and the trade, by way of the lake, is becoming consequently important, the want of good and secure harbors is much felt. The mouth of Trail creek, in this state, is believed to be easily converted into a good harbor, and will be our port of entry. This place, Chicago in Illinois, and the mouth of the St. Josephs in Michigan, are all considered eligible points on the southern extreme of the lake, in each of which, portions of the citizens of Indiana are interested. As such improvements are within the acknowledged powers of the general government it is recommended that our delegation in Congress may be requested to unite with that of Illinois and Michigan in procuring appropriations for the improvement of the harbours at these points.

The propriety of establishing a state bank was submitted to the last General Assembly as a measure of relief then under examination by the public journals. Its expediency was a leading subject of inquiry during the session, and having been subsequently transferred to the people for further investigation, you no doubt come prepared to speak the public sentiment and to act upon it advisedly. If upon an interchange of views it is ascertained that the public voice is adverse to the measure, to extricate us from our embarrassments we must depend upon the forbearance of creditors and on the industry and economy which have characterized the past year. If on the other hand, you find the public wishes and interests demand a Bank, in establishing it, it will be for you to introduce the needful restrictions, checks, and guards to save it from political bias or influence, to prevent any abuse or excess on the part of the directors and others employed in the administration of its affairs, and to secure the public against the probability of ultimate loss; and in the latter event, so far as execu-

tive agency may be required, you may command a zealous co-operation.

In the acceptance of office at the hands of our fellow citizens, in honorable and responsible departments of our government, we have taken upon ourselves obligations faithfully to devote ourselves to their service; and, if their interests can be advanced in the adoption of any proposition of mine or such as may originate from the better judgment of the legislature, I will cheerfully unite for the purpose.

The Senate then returned to their chamber.

Mr. Hargrove moved the following resolution:

*Resolved*, That the public printer be furnished with the address of his Excellency the Governor, and that he print for the members and officers of this House 1500 copies thereof.

Mr. Wallace moved to amend the same by striking out "1500" and inserting in lieu thereof "2000;"

Which motion was carried in the affirmative.

Said resolution, as amended, was then adopted by the House.

On motion of Mr. Wille t,

The message of the Governor was committed to a committee of the whole House and made the order of the day for Friday next.

On motion of Mr. Angle,

*Resolved*, That the committee on military affairs be instructed to inquire into the expediency of adopting by legislative provision, some more efficient mode of collecting military fines imposed for delinquent duty, as a substitute for the present law on that subject, with leave to report by bill or otherwise.

Mr. Thompson moved to reconsider the vote taken directing the Governor's message to be printed;

Which motion was decided in the negative.

On motion of Mr. Bigger.

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety of so amending the act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831, that whenever an appeal is taken from the judgment of a justice of the peace to the Circuit Court, the suit shall not be dismissed by the Circuit Court on account of any mistake in the name of the action, but the plaintiff shall be permitted to change the name and style of his action without costs, and that no objection shall be permitted to be taken in the Circuit Court to any pleadings filed before the justice of the peace, unless it shall appear on the face of the transcript of said justice, that such objection was made before him in the case below; said committee to report by bill or otherwise.

Mr. Huntington moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to



inquire into the expediency of abolishing imprisonment for debt; with leave to report by bill or otherwise;

Which was read, and

On motion of Mr. Huntington, ordered to lie on the table.

On motion of Mr. Smith of F.,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the act regulating the practice of law, as to authorize either the plaintiff or defendant in all actions of debt or assumpsit, hereafter commenced in the Circuit Court, to call upon the opposite party to answer under oath, as to the correctness of any account, note, bill or other demand, which may be set up against him, either as a cause of action or a matter of defence, in the same manner as he is now authorized to do in cases pending in the Circuit court on appeal from a justice of the peace, and that said committee report by bill or otherwise.

On motion of Mr. Snapp,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the law regulating vagrants, as to give justices of the peace complete jurisdiction over them; and that they report by bill or otherwise.

Mr. Bennett moved the following resolution:

*Resolved*, That the committee on military affairs be instructed to inquire into the expediency of repealing the act entitled "an act for the encouragement of education," approved Feb. 2d, 1833.

Mr. Wallace moved to lay said resolution on the table;

Which motion was decided in the negative.

Mr. Willet moved that it be referred to the committee on education instead of military affairs;

Which motion was decided in the negative.

The question then recurred on the adoption of said resolution;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bennett, Bramwell, Brown of T., Carter, Crume, Davis, Dorsey, English, Evans, Ferguson, Fields, Gookins, Guion, Hargrove, Howell, Hughes, Huntington, Leslie, McBean, Nichols, Noble, Pearson, Reid, Smith of F., Smith of R., Stafford, Stanford, Stewart, Vandever, Williams, Wilson, Wright of P. and D., and Palmer Speaker—35.

*And those who voted in the negative, are*

Messrs. Bigger, Brackenridge, Bradbury, Brady, Brown of L., Clark, Colerick, Craig, Davenport, De Pauw, Dunn, Dunning, Edwards, Foster, Fowler, Guard, Hardesty, Jones, Kiser, Levenworth, McDonald, Monroe, Moore, Parker, Piercy, Smith of K.,

Snapp, Steele, Thompson, Thornberry, Vance, Wallace, Willet, Woodruff, Wright of P. and Yocom—36.

So said resolution was not adopted.

On motion of Mr. Bigger,

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety of so amending the 18th section of the "act regulating the jurisdiction and duties of justices of the peace," approved Feb. 10th, 1831, that whenever any defendant shall plead any plea before a justice of the peace, by which the title to land or any interest therein shall come in question, and said plea shall be verified by affidavit, it shall be the duty of the justice of the peace to transmit the papers in such cause with a transcript of his proceedings thereon to the Circuit Court, said defendant first having given bond with sufficient security to the plaintiff, that he will prosecute said cause in the Circuit Court to effect, and pay and satisfy the full amount for which said Circuit Court may give judgment against him. The Circuit Court to hear and determine such cause as if it were an appeal cause; said committee to report by bill or otherwise.

And then the House adjourned until to-morrow morning at 9 o'clock.

### WEDNESDAY MORNING, DECEMBER 4, 1833.

The House met pursuant to adjournment.

Loyal Fairman a member elect from the county of Tippecanoe, appeared, produced his credentials, was sworn into office by Caleb Scudder, Esq. and took his seat.

Mr. Hargrove presented a petition of Wm. Barker and others, citizens of Gibson county, members of the Patoka Baptist church, praying an act legalizing the proceedings of the trustees of said church;

Which was read, and referred to a select committee of Messrs. Hargrove, Fields and Fairman.

Mr. Kiser presented a petition of Thomas Hinkson and others officers of the 36th regiment, Indiana militia, praying the repeal of an act entitled "an act for the encouragement of education," approved Feb. 2d, 1833;

Which was read, when

Mr. Willet moved to refer said petition to the judiciary committee.

Mr. Steele moved to postpone the further consideration thereof indefinitely.

Mr. Smith moved to lay the same on the table.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Colerick, Davenport, De Pauw, Dorsey, Dunn, Edwards, Evans, Fairman, Ferguson, Foster, Fowler, Guard, Hardesty, Howell, Hughes, Jones, Kilgore, Leslie, McBean, M'Donald, Monroe, Nichols, Parker, Piercy, Smith of R., Stafford, Steele, Thornberry, Wallace and Wilson—37.

*And those who voted in the negative, are*

Messrs. Angle, Bennet, Brown, of T., Carter, Clark, Craig, Crume, Davis, Dunning, English, Gookins, Guion, Hargrove, Huntington, Kiser, Levenworth, Moore, Noble, Pearson, Reid, Smith of F., Smith of K., Snapp, Stanford, Stewart, Thompson, Vance, Vandever, Willet, Williams, Woodruff, Wright of P., Wright of P. and D. Yocom and Palmer Speaker—34.

So said petition was laid on the table,

Mr. Smith of F. presented a petition of Charles Salyer and others, praying the location of a state road from Brookville to Connersville;

Which was read and referred to the committee on roads.

Mr. Wallace presented a petition of R. W. Todd, of the county of Jefferson, praying a change of venue;

Which was read, and referred to a select committee of Wallace, Stewart and Bramwell.

Mr. Brackenridge presented the petition of R. M. Evans and others, praying additional compensation to associate judges;

Which was read, and referred to the committee on the judiciary.

Mr. Smith of R. presented the petition of John Lewis and others praying the location of a road from the town of Harrison on the line dividing this state from Ohio, to Lexington in Scott county;

Which was read, and referred to the committee on roads.

Mr. Dunning presented a petition of M. Buskirk and others, praying the location of a state road from Bloomington in Monroe county, to Greenfield in Hancock county;

Which was read, and referred to the committee on roads.

Mr. Angle presented a petition of William Moore and others, praying a change in part of the Montezuma state road;

Which was read, and

On motion of Mr. Wright of P., referred to a select committee of Messrs. Angle, Wright of P. and Hughes.

Mr. Wright of P. presented a remonstrance of William McCord and others, against the prayer of the petitioners in the last named petition;



Which was read, and referred to the same select committee last above named.

Mr. Wright of P. presented a petition of John Vincent and others, praying a change in the mode of doing county business in Parke county;

Which was read, and referred to the judiciary committee.

Mr. Steele presented a petition of the president and trustees of the town of Richmond, praying an extension of their powers and privileges;

Which was read and referred to a select committee of Messrs. Steele, Bradbury and Thornberry.

Mr. Thornberry presented a petition of Wm. Cox and others on the same subject as the last named petition;

Which was read, and referred to the same select committee.

Mr. Wright of P. presented a petition of Wm. P. Bryant and others, praying the location of a state road from Rockville in Parke county, to Bowling Green in Clay county;

Which was read, and referred to the committee on roads.

The Speaker laid before the House the following communications from the Secretary of State; which were severally read, and referred to the committee of ways and means.

INDIANAPOLIS, 4th Dec. 1833.

*N. B. Palmer, Esq. Speaker of the House of Representatives:*

SIR—Enclosed is my annual report of contracts, &c. which you will please lay before the body over which you preside.

I am very respectfully,

your obedient servant,

WM. SHEETS,

*Secretary of State.*

DEPARTMENT OF STATE, }  
December 4th, 1833. }

The Secretary of State respectfully reports to the General Assembly that, on the 23d day of August last in pursuance of the "Act to provide for the distribution of the Laws and Journals, and for other purposes," approved Feb. 10th, 1831, a contract was made with

Messrs. Douglass & Maguire for the printing of the Laws, &c. of the present session of the Legislature, and the Journal of the Senate; and with

Nathaniel Bolton, for the printing of the Journal of the House of Representatives, the orders of either branch of the General Assembly, and for all other public printing that may be required for one year ensuing the date of the contract.

The following are the prices to wit:

Composition on the Laws, for 1,000 m's, plain,	43 cts,
Press work " " per token,	45 "
Composition " Journals, for 1,000 m's,	28 "
Press work " " per token (medium,)	40 "
Do. " " " (royal,)	45 "
Composition on Bills, Reports, &c. per 1,000 m's,	40 "
Press work on same, per token, (medium,)	40 "
Do. " " " (royal,)	45 "
Blanks for the different offices, per ream,	\$10 00 "
Rule and figure work double price, on the composition.	

The Laws and Journals to be ready for delivery to the binder within twenty-five days from the rising of the General Assembly, and all other printing required, to be executed with neatness and despatch.

A contract was made, at the same time, with Robert Patterson to deliver and cord up at the Court House, by the first Monday in December instant, 150 cords of good fire wood, cut and split ready for use, and of length suitable for the fire places in the Representative Hall and Senate Chamber, at 65 2-3 cents per cord.

The Laws and Journals of the last session of the General Assembly, together with the acts of Congress directed, by a joint resolution of last session, to be sent to the different counties, were distributed by the following persons, viz:

Daniel Neal in the 1st Circuit, at	- - -	\$52 00
Philip Hartsell, 2d	" - - -	44 00
Solomon Wells, 3d	" - - -	48 28
Isaac Fisher, 4th	" - - -	58 00
Frederick Hartsell, 5th	" - - -	28 00
Zachariah Hensely, 6th	" - - -	54 00
James Wooden, 7th	" - - -	37 94
L. D. Wilson 8th	" - - -	62 00

---

\$384 22

The Laws and Journals were not forwarded to the counties as early as they should have been, in consequence of a delay, in the printing and binding, beyond the time limited in the said act.

A contract was entered into by the Secretary of State, with John Cain for the binding of 4,000 copies of the Acts of last session of the General Assembly, at 6 1-4 cents per copy, \$250 00  
 1,197 copies of the Acts of Congress, at 10 cents, 119 70  
 15 volumes " " for State Li-

brary, at 50 cents	7 50
Folding, stitching and covering 5,000 extra School Laws, at 2 cents,	100 00
Do. do. do. 1,200 Journals of the House of Representatives of last session, at 10 cents,	120 00



Do. do. do. 800 Journals of the Senate, at 7 cents,	56 00
Binding 10 volumes, each, of the Senate and House Journal, (for State Library,) at 50 cents,	10 00
	<hr/> \$663 20

The necessary stationary for the use of the present General Assembly was purchased of Josiah Drake, of Cincinnati, by the Treasurer, a bill of which will be laid before the Legislature in his report.

All of which is respectfully submitted.

WM. SHEETS.

The Secretary of State respectfully submits to the General Assembly the following additions made to the State Library since the last annual report, viz:

Niles' Register, complete in 43 vols. purchased in pursuance of a joint resolution of last session, \$148 37

This work could only be procured from the publisher, and the above price, which includes binding and transportation, was the lowest at which it could be purchased.

The annual appropriation of \$100, has been expended as follows, to wit:

Franklin's Letters,	- . . . .	1 vol.	\$1 00
Family Library, (half bound,)	- . . . .	4 "	2 00
Do. do. (full do.)	- . . . .	5 "	3 13
Rush's Memoranda,	- . . . .	1 "	2 00
Mariner's Library,	- . . . .	1 "	1 00
Classical Library,	- . . . .	2 "	1 00
Lingard's History of England,	- . . . .	12 "	8 00
Life and Writings of Governour Morris,	- . . . .	3 "	7 00
Life of Johnson, by Boswell,	- . . . .	2 "	4 50
Webster's Speeches,	- . . . .	1 "	2 50
Life of Wellington,	- . . . .	2 "	0 90
Tales of a Traveller,	- . . . .	2 "	1 50
Knickerbocker's New York,	- . . . .	2 "	0 63
Lardner's Cabinet Library, continued,	- . . . .	7 "	4 20
Encyclopedia Americana,	- . . . .	13 "	30 88
Shakspeare's Plays,	- . . . .	2 "	4 00
Bolingbroke on History,	- . . . .	1 "	0 63
Moore's Byron,	- . . . .	2 "	3 00
Lacon,	- . . . .	2 "	1 37
England and the English,	- . . . .	2 "	1 13
M'Intosh's Ethical Philosophy,	- . . . .	1 "	1 50
Gregory's Church History,	- . . . .	1 "	1 75
Sarren's Lafayette,	- . . . .	2 "	1 12
Wirt's Patrick Henry,	- . . . .	1 "	2 00
Graham's United States,	- . . . .	2 "	4 00

Spurzhiem on Education,	-	-	-	1	"	1 00
Sketches of Turkey,	-	-	-	1	"	2 50
Frost's Greece,	-	-	-	1	"	1 37
Chalmers on Condition of Man,	-	-	-	1	"	0 80
Kidd's Treatise,	-	-	-	1	"	0 80
British India,	-	-	-	1	"	1 62
Gouge on Banking,	-	-	-	1	"	1 17

---

\$100 00

There have been received, during the present year, from the

State of Delaware,	3	copies of the Laws of 1832,	pamphlet
Do. Maine,	3	" "	1832, "
Do. "	3	" "	1833, "
Do. Maryland,	3	" "	1832, "
Do. "	3	" "	1833, "
Do. "	16	vols. Reports S. C.	bound.
Do. Pennsylvania,	3	copies of Laws of 1832,	"
Do. "	3	" "	1833, "
Do. N. Hampshire,	3	" "	1832, "
Do. "	3	" "	1833, "
Do. Kentucky,	2	" "	1832, bound
Do. Ohio,	3	" "	1832, pamphlet
Do. "	1	large Map of the state.	
Do. Massachusetts,	3	copies of Laws of 1833,	"
Do. Georgia,	1	" "	1832, "
Do. New Jersey,	3	" "	1833, "
Do. New York,	3	" "	1833, bound
Do. Mississippi,	3	" "	1833, pamphlet
Do. Louisiana,	3	" "	" "
Do. Missouri,	3	" "	" "
Do. Connecticut,	3	" "	" "
Do. Illinois,	3	" Revised Code,	" half bound
Do. Virginia,	1	copy Laws of	" pamphlet
Do. Alabama,	1	" "	" "
Do. U. States,	126	" Congress,	" "
Do. "	16	" vols. Congressional	
Documents,			1831 and '32.

Respectfully submitted.

WM. SHEETS.

Mr. Stanford moved that 300 copies of the report of the Secretary of State be printed.

Mr. Willet moved that 500 copies be printed.

The question was put on printing 500 copies, and passed in the affirmative.

On motion of Mr. Willet Mr. Fairman was added to the committee on canals and internal improvements.

On motion of Mr. Depauw, Mr. Clark was added to the same committee.

On motion of Mr. Dunn, Mr. Angle was added to the committee on the Judiciary.

On motion of Mr. Smith of F., Mr. Kilgore was added to the same committee.

On motion of Mr. M'Donald, Mr. Brown of L. was added to the committee on roads.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate has appointed Messrs. Clark Battell, Feeny, Dumont, Hanna, Griffith, Payne of H., Collett and Pain of Fountain, a committee on public buildings, on the part of the Senate.

Mr. Moore presented a petition of James Bennington and others, praying compensation to Daniel Hartsock for building a bridge across Eel river;

Which was read, and referred to the committee on roads.

Mr. Wallace moved the following resolution:

*Resolved*, That the committee on roads be instructed to inquire into the expediency of so amending the present general road laws, as to authorize the board of county commissioners to assign to any road passing through their respective counties, all the lands residing within two miles on either side of such road, and also if they deem it expedient to levy a tax for the improvement of roads not exceeding the amount annually assessed for State purposes.

Mr. Carter moved to amend the same by striking out so much thereof as relates to assessing a tax.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Brackenridge, Brady, Brown of L. Brown of T., Carter, Clark, Craig, Crume, Davenport, Davis, De Pauw, Dorsey, Dunning, Ferguson, Fields, Foster, Fowler, Gookins, Hardesty, Hargrove, Howell, Kilgore, Kiser, Levenworth, McBean, McDonald, Monroe, Moore, Nichols, Piercy, Smith, of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Vance, Vandever, Williams, Wright of P. and D. and Yocom—42.

*And those who voted in the negative, are*

Messrs. Beem, Bennett, Bigger, Bradbury, Bramwell, Colerick, Dunn, Edwards, English, Evans, Fairman, Guard, Guion, Hughes, Huntington, Jones, Leslie, Noble, Parker, Pearson, Reid, Steele, Stuart, Thompson, Thornberry, Wallace, Willet, Wilson, Woodruff, Wright, of P. and Palmer Speaker—31.

So said motion passed in the affirmative.



On motion of Mr. Reid, said resolution, as amended, was laid on the table.

On motion of Mr. Smith of F.,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of repealing the act entitled "an act to prohibit the circulation of bank notes of a denomination less than five dollars;" with leave to report by bill or otherwise.

Mr. Brown of L. moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of repealing the 20th section of an act to regulate the mode of doing county business in the several counties in this state, approved January 19th, 1831, and to provide for the appointment of the officers named in said section by the boards doing county business.

On motion of Mr. Gookins, said resolution was so amended as to except so much as relates to constables.

On motion of Mr. Evans, the same was further amended by excepting inspectors of elections.

On motion of Mr. Smith of F., said resolution was further amended by excepting so much as relates to supervisors of highways.

On motion of Mr. Vandever,

*Ordered*, That said resolution with the amendments do lie on the table.

Mr. Vance moved to reconsider the vote taken on yesterday on the resolution moved by Mr. Bennet, instructing the committee on military affairs to enquire into the expediency of repealing the act entitled "an act for the encouragement of education," &c. and before a decision was had thereon, the House adjourned until two o'clock, P. M.

2 o'clock P. M.

The House met pursuant to adjournment,

And resumed the consideration of the resolution pending at the last adjournment.

The question was then put, will the House reconsider the vote heretofore taken on said resolution?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are:*

Messrs. Angle, Beem, Bennett, Brackenridge, Bramwell, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Davenport, Davis, De Pauw, Dorsey, Dunning, English, Evans, Fairman, Ferguson, Fields, Gookins, Guard, Guion, Hargrove, Howell, Hughes, Huntington, Kilgore, Kiser, Leslie, M'Bean, M'Donald, Monroe, Nichols, Noble, Parker, Piercy, Pearson, Reid, Smith of F., Smith of K., Stafford, Stanford, Stuart, Thompson, Vance,

Vandever, Willett, Williams, Wilson, Woodruff, Wright of P. and D., and Palmer, Speaker—54.

*And those who voted in the negative, are*

Messrs. Bigger, Bradbury, Brady, Dunn, Edwards, Foster, Fowler, Jones, Levenworth, Moore, Smith of R., Snapp, Steele, Thornberry, Wallace, Wright of P., and Yocom—17.

So the House agreed to reconsider said vote.

Mr. Willet moved to amend said resolution by striking out "committee on military affairs," and inserting in lieu thereof "judiciary committee."

Mr. Hargrove called for a division of the question.

It was thereupon put, to-wit: on striking out.

And the ayes and noes being requested by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bigger, Bradbury, Brady, Brown of L., Craig, Davenport, De Pauw, Dunn, Dunning, Edwards, Foster, Fowler, Guard, Jones, Kiser, Levenworth, M'Donald, Moore, Smith of K., Snapp, Steele, Thompson, Thornberry, Willet, Wright of P., Wright of P. and D., Yocom, and Palmer, Speaker—29.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Brackenridge, Branwell, Brown of T., Carter, Clark, Colerick, Crume, Davis, Dorsey, English, Evans, Fairman, Ferguson, Fields, Gookins, Guion, Hargrove, Howell, Hughes, Huntington, Kilgore, Leslie, M'Bean, Monroe, Nichols, Noble, Parker, Piercy, Pearson, Reid, Smith of F., Smith of R., Stafford, Stanford, Stuart, Vance, Vandever, Wallace, Williams, Wilson, and Woodruff—43.

So said motion was decided in the negative.

The question then recurred on the adoption of said resolution, and passed in the affirmative.

Mr. Evans moved the following resolution:

*Resolved*, That the committee on canals and internal improvements be instructed to enquire into the expediency of employing a skillful engineer to survey the south side of the Wabash river from Logansport down, and make an estimate of the probable difference of expense between the north and south side of said river, in the construction of said canal, from Logansport to the highest point of steam boat navigation, and also to survey from the said highest point of steam boat navigation to the county seat of Fountain county, situate at the great bend of the Wabash, and make an estimate of the probable expense of constructing a canal within the last limits, together with its practicability and importance; and that said committee report by bill or otherwise.

On motion of Mr. Brown of T., said resolution was ordered to lie on the table.



On motion of Mr. Dunn,

*Resolved*, That the judiciary committee enquire whether the law of this state prescribing the mode of proceeding against vagrants is conformable to the provisions of the 7th section of the 11th article and the 12th section of the 1st article of the constitution of this state, and if not to report a bill amending the same.

On motion of Mr. Pearson,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law defining the jurisdiction and duties of justices of the peace, as to authorize an appeal on the behalf of the state to be taken from the judgment of justices in prosecutions for assaults and batteries, affrays and other breaches of the peace; with leave to report by bill or otherwise.

On motion of Mr. Craig,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the law regulating the jurisdiction and duties of justices of the peace, that it may be optional with the judgment debtor or debtors to take the benefit of the stay under the present law, or give up property to the proper officers to be sold on the same credit the judgment could have been stayed: *Provided*, On the second execution the money be made by the proper officers the same as if the stay had expired under the present law, with leave to report by bill or otherwise.

Mr. Kilgore moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the act regulating the duties of justices of the peace as to permit them to deliver to their successor a certified transcript of all judgments, &c. upon their dockets instead of their docket.

And on the question to adopt the same, it was decided in the negative.

Mr. Kiser moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the law now in force regulating executions, as to leave it to the election of the execution debtor, (if a house holder) to select the articles of property from execution to the amount of fifty dollars; with leave to report by bill or otherwise.

And on the question to adopt the same, it was decided in the negative.

Mr. Howell moved the following resolution:

*Resolved*, That the committee on roads be requested to enquire into the expediency of amending the 36th section of an act entitled "an act for opening and repairing public roads and highways," approved February 10th, 1831, so as to exempt residents from a road tax on real estate; with leave to report by bill or otherwise.

And on the question to adopt the same, it was decided in the negative.

Mr. Clark moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the 22d section of a law regulating the jurisdiction of justices of the peace in civil cases, passed February 10th, 1831, that no freeholder or householder shall be bound to answer to any process in civil cases at any other place than in the township where the said defendant resides; and report by bill or otherwise.

The question was then put, shall said resolution be adopted?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Brady, Brown, of T., Clark, Craig, Davenport, Davis, De Pauw, Dunning, Fairman, Gookins, Guion, Hargrove, Huntington, Moore, Nichols, Noble, Piercy, Stafford, Vance, Willet, Woodruff, Wright of P. and D., and Yocom—25.

*And those who voted in the negative, are*

Messrs. Bennet, Bigger, Brackenridge, Bradbury, Bramwell, Brown of L., Carter, Crume, Dorsey, Dunn, Edwards, English, Evans, Ferguson, Fields, Foster, Fowler, Guard, Howell, Hughes, Jones, Kiser, Leslie, Levenworth, McBean, M'Donald, Monroe, Parker, Pearson, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stanford, Steele, Stewart, Thompson, Thornberry, Vandever, Wallace, Williams, Wilson, Wright of P., and Palmer Speaker—15.

So said resolution was not adopted.

Mr. Dorsey moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending "an act authorizing the seizure of boats and other vessels for debt," approved January 22d, 1824, so as to make such boats, vessels, &c. liable to seizure on account of any work done, supplies or materials furnished by any mechanic, tradesman, or other persons, on account of said vessels, whenever the same may be within the jurisdiction of this state, whether the debt be contracted within said jurisdiction or not; with leave to report by bill or otherwise.

On motion of Mr. Wallace said resolution was so amended as to make the reference to a select committee instead of the judiciary.

On motion of Mr. Wallace the same was further amended by adding thereto the following:

"And that said committee be instructed to enquire into the expediency of giving to mechanics generally a lien upon buildings for work done or materials furnished.

Said resolution, as amended, was then adopted.

Whereupon,

Messrs. Dorsey, Wallace, Clark, Guard, and Huntington were appointed a committee in pursuance of said resolution.

On motion of Mr. Stanford,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the laws of this state regulating divorces, as to prohibit the granting of divorces unless the cause upon which the divorce is sought has occurred in this state; or unless the party applying for a divorce was an inhabitant of this state at the time of the commission of the offence upon which the complainant founds his or her bill of complaint.

Mr. Dunning moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of repealing so much of the act regulating the interest of money in the state of Indiana, as permits the taking of a higher rate of interest than 6 per cent. per annum for the loan of money or other commodity; with leave to report by bill or otherwise.

On motion of Mr. Huntington the same was laid on the table.

On motion of Mr. Huntington,

*Resolved*, That a select committee be appointed, whose duty it shall be, to enquire into the expediency of amending the act regulating weights and measures so as to establish the weight of wheat, corn, and rye; with leave to report by bill or otherwise.

Whereupon,

Messrs. Huntington, Smith of K., and Fairman were appointed a committee in pursuance of said resolution.

Mr. Bigger moved the following resolution;

*Resolved*, That the committee on the judiciary be instructed to enquire what amendments are necessary to the law for the relief of insolvent debtors, and particularly, whether it would not be expedient to make the following amendments, viz:

1st. Require the debtor on filing his petition and schedule in the clerk's office, to move the court in term time, or a judge in vacation, for a supersedeas to the process on which he may be held in custody, having first given five days' notice to his creditors of the time and place of making his motion, &c.

2nd. Require, if the motion is heard in vacation, that the judge before whom it is to be heard, attend at the clerk's office at the proper time and hear the application and authorize the creditors to examine the debtor on oath touching his schedule and effects.

3d. Require the court or judge to award a supersedeas in all cases where it shall appear to them that the debtor has bona fide and without fraud or concealment, filed a true schedule of his estate; but if it shall appear otherwise upon the examination, the court or judge to overrule the motion at the costs of the applicant.

4th. Make false swearing perjury.

5th. Writ of supersedeas to issue under seal of the court, directed to the officer having the defendant in custody—the officer the



to discharge the defendant and make his return accordingly on the process; and that the officer may under the general issue give the act in evidence when sued for an escape.

On motion of Mr. Evans,

Said resolution was amended by adding the following:

"And to enquire into the expediency of repealing so much of the law now in force as requires the debtor to give bond."

Said resolution as amended was then adopted.

On motion of Mr. Brady,

*Resolved*, That the committee on elections be instructed to enquire into the expediency of giving the election of prosecuting attorneys directly to the people; with leave to report by bill or otherwise.

Mr. Smith of F. moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the act regulating divorces as to make the voluntary absence of either husband or wife for the space of one year, with an intention of total abandonment, a good cause of divorce; with leave to report by bill or otherwise.

Mr. Carter moved to amend the same by striking out all after the word "divorces" and inserting in lieu thereof the following:

"So as to provide that divorces shall be granted for no cause except for fornication."

Which motion did not prevail.

And on the question to adopt the resolution, it was decided in the negative.

On motion of Mr. Huntington,

Mr. Smith of K. was added to the committee on canals and internal improvements.

On motion of Mr. English,

Mr. Stuart was added to the committee on the affairs of the State Prison.

On motion of Mr. Brown of L.,

Mr. Fields was added to the committee on roads.

On motion of Mr. Wright of P.,

Mr. Dunning was added to the committee on the judiciary.

On motion of Mr. Stuart,

Mr. Thompson was added to the committee on the affairs of the State Prison.

On motion of Mr. Vance,

Mr. Gookins was added to the committee on canals and internal improvements.

Mr. Carter after having obtained leave presented a joint resolution relative to the Louisville and St. Louis mail route, which was twice read, (the rules of the House having first been dispensed with,) and committed to a select committee of Messrs. M'Donald, Carter, Snapp, Dorsey, and Parker.

And then the House adjourned until to-morrow morning at 9 o'clock.



## THURSDAY MORNING, DECEMBER 5, 1832.

The House met pursuant to adjournment.

Mr. Stanford presented a petition of Samuel Howard and others, praying the location of a road from Economy in Wayne county to the falls of Fall creek;

Which was read and referred to a select committee of Messrs. Stanford, Foster, Brady, Steele and Jones.

Mr. Dunning presented a petition of Caleb Hazel and others, praying compensation to certain persons for extra work done on part of the state road leading from Wm. Connelly's in Lawrence county to Greencastle;

Which was read and referred to a select committee of Messrs. Dunning, Fields and Moore.

Mr. Fowler presented two several petitions of sundry persons praying the location of a state road commencing on the Michigan road where the east boundary line of Shelby county crosses the same, running from thence to Vernon in Jennings county;

Which were severally read and referred to a select committee of Messrs. Fowler, Davis and Bramwell.

Mr. Wallace from the the select committee to which was referred a petition on that subject reported a bill for the relief of Robert W. Todd;

Which was read the first time and passed to a second reading.

On motion of Mr. Wright of P.,

*Resolved*, That the Senate be invited to repair to the Hall of the House of Representatives, instantler, for the purpose of electing the necessary number of Prosecuting Attorneys, and that seats be provided for them on the right of the Speaker's chair.

*Ordered*, That Mr. Wright of P. inform the Senate thereof.

Mr. Moore moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the laws of this state as to prevent the impeachment of the consideration of contracts in the courts of this state, made for any real or supposed interest in the lands of the United States; provided the contracting parties at the time of contracting, are apprised of the nature and extent of such interest.

On motion of Mr. Clark,

Said resolution was amended by striking out "judiciary," and inserting in lieu thereof "select."

Said resolution as amended was then adopted.

Whereupon, Messrs. Moore, Clark and Huntington were appointed a committee in pursuance of said resolution.

Mr. Hughes moved the following resolution:

*Resolved*, That a select committee be appointed to enquire into expediency of changing the present system of collecting the

state and county reveue of this state, and report by bill or other wise;

Which was read, and

On motion of Mr. Wallace,

*Ordered*, That the same do lie on the table.

Mr. Gookins moved the following resolution:

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of so amending the law providing for the raising of state and county revenue, as to make steers of the age of three years and upwards—money at interest—stock in banking and incorporated companies, objects of taxation; with leave to report by bill or otherwise;

Which was read and before taking the question thereon,

The Senate came down from their chamber and took their seats on the right of Speaker's chair, the President of the Senate on the right of the Speaker; when both Houses of the General Assembly proceeded by joint ballot to the election of Prosecuting Attorney of the first judicial circuit.

On counting the ballots it appeared that

Andrew Ingram received 44 votes for that office.

William P. Bryant " 57 " " " "

Blank " 1 " " " "

William P. Bryant having received a majority of the whole number of votes given, was, by the President of the Senate in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney of the first judicial circuit, for the term of two years from and after the 23d day of January, 1834.

Both Houses then proceeded by joint ballot to the election of a Prosecuting Attorney of the second judicial circuit.

On counting the ballots it appeared that

Charles Dewey received 85 votes for that office.

Scattering " 17 " " " "

Charles Dewey having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney of the second judicial circuit, for the term of two years from and after the 5th day of December, 1833.

Both Houses then proceeded in like manner to the election of a Prosecuting Attorney of the third judicial circuit, and

On counting the ballots it appeared that

Courtland Cushing received 57 votes for that office.

John Test, jr. " 44 " " " "

Scattering " 1 " " " "

Courtland Cushing having received a majority of the whole number of votes given, was, by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney of the 3d judicial circuit for the term of two years from and after the end of the present session of the General Assembly.

Both Houses then in like manner proceeded to the election of a Prosecuting Attorney of the 5th judicial circuit.

On counting the ballots it appeared that

William Herod received 60 votes for that office.

Arthur St. Clair " 40 " " " "

Scattering " 1 " " " "

William Herod having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney of the 5th judicial circuit to serve as such for the term of two years from and after the 5th day of December, 1833.

Both Houses then proceeded by joint ballot to the election of a Prosecuting Attorney of the sixth judicial circuit.

On counting the votes on the 1st ballot it appeared that

William J. Brown received 39 votes for that office.

John S. Newman " 25 " " " "

William Dailey " 18 " " " "

John D. Vaughan " 16 " " " "

Scattering " 4 " " " "

No person having received a majority of all the votes given; both Houses in like manner proceeded to a second balloting, and

On counting the votes it appeared that

William J. Brown received 43 votes for that office.

John S. Newman " 33 " " " "

William Dailey " 29 " " " "

John D. Vaughan " 5 " " " "

Blank " 1 " " " "

No person having received a majority of all the votes given, both Houses proceeded in like manner to a 3d balloting.

On counting the votes it appeared that

William J. Brown had 43 votes for that office.

John S. Newman " 42 " " " "

William Dailey " 15 " " " "

John D. Vaughan " 2 " " " "

No person having yet received a majority of all the votes given, both Houses proceeded to a 4th balloting.

On counting the votes it appeared that

William J. Brown had 52 votes for that office.

John S. Newman " 50 " " " "

William J. Brown having received a majority of all the votes given, was by the President of Senate in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney of the 6th judicial circuit, to serve as such for the term of two years from and after the 23d day of January, 1834.

Both Houses proceeded in like manner to the election of a Prosecuting Attorney of the 7th judicial circuit, and

On counting the votes it appeared that



Erasmus H. M'Junkin	had	64	votes	for	that	office.
Craven P. Hester	"	28	"	"	"	"
John Cowgill	"	9	"	"	"	"
Scattering	"	1	"	"	"	"

Erasmus H. M'Junkin having received a majority of all the votes given, was by the President of the Senate in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney of the seventh judicial circuit for the term of two years from and after the 5th day of December, 1833.

The Senate then retired to their chamber,

And then the House adjourned until to-morrow morning at 9 o'clock.

## FRIDAY MORNING, DEC. 6, 1833.

The House met pursuant to adjournment.

Mr. Craig presented a petition of Andrew Cavitt and others, citizens of Posey county, praying a memorial to Congress on the subject of school lands in said county;

Which was read and referred to the committee of elections.

Mr. Brackenridge presented a petition of Amos Clark, praying an allowance for services rendered as Prosecuting Attorney at the last April term of the Pike Circuit Court with an accompanying document;

Which were severally read and referred to the committee on claims.

Mr. Angle made the following report:

The committee of elections to which was referred a resolution of this House, instructing them to inquire into the expediency of bringing the election of Prosecuting Attorneys in the several circuits directly before the people, have had that subject under consideration, and now report, that said committee are of the opinion that any legislation on that subject, at this time, would be inexpedient;

Which was read, when

Mr. Brady moved that said report be recommitted to a select committee, with instructions to report a bill favorable to the objects of the resolution.

Mr. Bigger moved to amend said instruction so as to require said committee to report a bill giving the appointment of Prosecuting Attorneys to the Governor, by and with the advice and consent of the Senate.

On motion of Crume,

Said report and proposed amendments were ordered to lie on the table.

Mr. Steele from the committee on roads, to which was refer-



red the petition of Daniel Hartsock and others, praying an additional compensation of fifty dollars out of the state funds for erecting a bridge across Eel river, reported that said committee have had the subject under their consideration and are of opinion that it is inexpedient to legislate on the same at this time;

Which was read and concurred in by the House.

Mr. Hughes from the select committee to which was referred a petition on that subject, reported a bill to vacate the town of Sarah in the county of Fountain;

Which was read the first time and passed to a second reading.

Mr. Hargrove from the select committee to which was referred a petition on that subject, reported a bill to legalize the election of trustees for the Patoka Baptist church in the county of Gibson;

Which was read the first time and passed to a second reading.

Mr. Steele from the select committee to which were referred two several petitions on that subject, reported a bill to alter and re-establish the charter of the town of Richmond;

Which was read the first time and passed to a second reading.

The House then resumed the consideration of the resolution pending at the last adjournment offered by Mr. Gookins on yesterday, relative to making steers of the age of three years and upwards—money at interest, stock in banking and in incorporated companies, objects of taxation;

And on the question to adopt the same, it passed in the affirmative.

On motion of Mr. Brady,

*Resolved*, That whenever any member of this House introduces any business which may be referred to any of the standing committees, such member shall be one of such committee, while the subject matter of such reference is under consideration.

Mr. Vandever moved the following resolution:

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of changing the mode of assessing and collecting the revenue for state and county purposes, and report a bill to assess and collect the same according to the ad valorem system;

Which was read, and

On motion of Mr. Evans,

*Ordered*, That the same do lie on the table.

Mr. Craig moved the following resolution:

*Resolved*, That a select committee be appointed to inquire into the propriety of repealing so much of the 7th section of an act passed Feb. 3d, 1832, as deprives tavern keepers from having the benefit of the laws of this state, when they credit any one individual for spirituous or strong liquors to a greater amount than one dollar.

Mr. Brackenridge moved to amend said resolution, so as to re.

quire the committee to inquire into the expediency of repealing the 4th section of the above recited act.

On motion of Mr. Steele,

Said resolution and proposed amendments were laid on the table.

Mr. Kilgore moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the present laws regulating the practice in suits at law as to entitle either party to a continuance upon good cause shewn, without subjecting the party applying, to the payment of the cost of continuance.

Mr. Evans moved to amend the same by adding the following: "and also, to repeal so much of the 13th section of the act regulating the practice at law as relates to the requiring resident plaintiffs to give security for costs."

Mr. Dunning moved to lay said resolution and proposed amendment on the table;

Which motion was decided in the negative.

Mr. Fowler moved to amend the said amendment by adding thereto the following proviso:

"*Provided*, Said resident plaintiff will himself make affidavit that he is advised and verily believes that he has a good cause of action;"

And on the question to adopt said proviso, it was decided in the negative.

The question was then put on the amendment proposed by Mr. Evans, and passed in the affirmative.

Mr. Bigger moved to further amend said resolution by adding thereto the following "proviso:"

*Provided*, That in actions *ex delicto* commenced in the Circuit Court, if the plaintiff recover less than five dollars, he shall recover no more cost than the amount of his judgment.

Mr. Pearson moved to amend said proposed amendment by adding thereto the following, "unless the court shall certify that the suit was not in their opinion malicious;"

Which motion was decided in the negative.

The question was then put on the amendment proposed by Mr. Bigger, and decided in the negative.

The question then recurring on the adoption of the resolution as amended,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Brackenridge, Brown of L. Brown of T., Colerick, Davis, Dunn, Edwards, Evans, Fairman, Fields, Gookins, Guard, Guion, Hughes, Huntington, Kilgore, Leslie, M'Bean, M'Donald, Monroe, Noble, Parker, Pearson, Smith, of

F., Smith of R., Stuart, Wallace, Willet, Wilson and Palmer  
Speaker—32.

*And those who voted in the negative, are*

Messrs. Beem, Bennett, Brady, Bradbury, Bramwell, Carter, Clark, Craig, Crume, Davenport, De Pauw, Dorsey, Dunning, English, Foster, Fowler, Hardesty, Hargrove, Howell, Jones, Kiser, Levenworth, Moore, Nichols, Piercy, Reid, Smith of K., Snapp, Stafford, Stanford, Steele, Thornberry, Vance, Vandevier, Williams, Woodruff, Wright of P., Wright of P. and D. and Yocom—39.

So said resolution was not adopted.

And then the House adjourned until 2 o'clock P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment.

The Speaker laid before the House the following report of the Agent of the 3 per cent. fund;

Which was read and

On motion of Mr. Stanford,

*Ordered, That the same do lie on the table.*

A Statement of the situation of the Three Per Cent. Fund, made in conformity with a resolution of the House of Representatives, adopted 16th January, 1832.

No. Road and County.	Road Commissioners and names of Counties.	Appropriation to each Road, River and Cty.	Drafts paid.	Balances due.
6	Wm. M'Cormick,	4,928 93½	4,828 63	100 30½
12	George White,	2,712 23	2,701 19	11 04
14	Gara <sup>d</sup> Davis,	3,033 80	3,025 02	8 78
20	John C. Kibby,	4,192 75	3,932 14	260 61
32	Reuben Bates and			
	Alanson Warner,	1,000 00	569 73	430 27
55	Mount Vernon to			
	Collin's Ferry,	125 00		125 00
	Amount paid on 49			
Rivers,	Roads,	101,493 36½	101,493 36½	
5	Jacob Goodlander,	225 00	112 00	113 00
7	James Duckworth,	100 00		100 00
	Appropriations to 8			
	Rivers paid off,	1,725 00	1,725 00	
1	Allen county,	900 00	400 00	500 00
2	Boone do.	900 00	800 00	100 00
3	Bartholomew do.	900 00	800 00	100 00
4	Clinton do.	900 00	800 00	100 00
5	Carroll do.	900 00	200 00	700 00
6	Cass do.	900 00	800 00	100 00
7	Clark do.	900 00	400 00	500 00
8	Crawford do.	900 00	800 00	100 00
9	Clay do.	900 00	800 00	100 00
10	Dearborn do.	900 00	800 00	100 00
11	Decatur do.	900 00	800 00	100 00
12	Dubois do.	900 00	800 00	100 00
13	Delaware do.	900 00	800 00	100 00
14	Daviess do.	900 00	400 00	500 00
15	Elkhart do.	900 00	400 00	500 00
16	Fountain do.	900 00	400 00	500 00
17	Floyd do.	900 00	800 00	100 00
18	Franklin do.	900 00	720 00	180 00
19	Fayette do.	900 00	400 00	500 00
20	Gibson do.	900 00	800 00	100 00
21	Grant do.	900 00	800 00	100 00
22	Huntington do.	900 00	400 00	500 00
23	Harrison do.	900 00	800 00	100 00
24	Hendricks do.	900 00	480 00	420 00
25	Hancock do.	900 00	797 00	103 00
26	Hamilton do.	900 00	800 00	100 00
27	Henry do.	900 00	800 00	100 00



28	Greene	county,	900 00	400 00	500 00
29	Jackson	do.	900 00	800 00	100 00
30	Jennings	do.	900 00	800 00	100 00
31	Jefferson	do.	900 00	800 00	100 00
32	Johnson	do.	900 00	800 00	100 00
33	Knox	do.	900 00	800 00	100 00
34	Lawrence	do.	900 00	760 00	140 00
35	La Porte	do.	900 00	800 00	100 00
36	Lagrange	do.	900 00	400 00	500 00
37	Miami	do.	900 00	140 00	760 00
38	Montgomery	do.	900 00	800 00	100 00
39	Morgan	do.	900 00	800 00	100 00
40	Marion	do.	900 00	758 00	142 00
41	Madison	do.	900 00	800 00	100 00
42	Martin	do.	900 00	800 00	100 00
43	Monroe	do.	900 00	800 00	100 00
44	Orange	do.	900 00	400 00	500 00
45	Owen	do.	900 00	800 00	100 00
46	Parke	do.	900 00	800 00	100 00
47	Posey	do.	900 00	500 00	400 00
48	Perry	do.	900 00	400 00	500 00
49	Pike	do.	900 00	800 00	100 00
50	Putnam	do.	900 00	400 00	500 00
51	Ripley	do.	900 00	775 00	100 25
52	Randolph	do.	900 00	800 00	100 00
53	Rush	do.	900 00	800 00	100 00
54	St. Joseph	do.	900 00	800 00	100 00
55	Scott	do.	900 00	800 00	100 00
56	Switzerland	do.	900 00	600 00	300 00
57	Spencer	do.	900 00	400 00	500 00
58	Shelby	do.	900 00	798 00	102 00
59	Sullivan	do.	900 00	400 00	500 00
60	Tippecanoe	do.	900 00	400 00	500 00
61	Union	do.	900 00	800 00	100 00
62	Vermillion	do.	900 00	800 00	100 00
63	Wabash	do.	900 00	640 00	260 00
64	Warren	do.	900 00	400 00	500 00
65	Washington	do.	900 00	400 00	500 00
66	Vanderburgh	do.	900 00	400 00	500 00
67	Vigo	do.	900 00	400 00	500 00
68	Warrick	do.	900 00	400 00	500 00
69	Wayne	do.	900 00	400 00	500 00
70	Adams	do.	900 00	400 00	500 00

\$182,536 08    163,155 07½    19,381 00½

Received from Treasury of the United States,	\$177,412 77
“ State Treasury on account of canal fund,	2,550 00
	<hr/> 179,962 77
Retained to meet Agents commission and salary,	3,971 68
	<hr/>
Incidental expenses reported last year,	166 08
Stationary up to this date,	10 00
Expenses in going to Cincinnati for money,	17 00
Postage paid J. Cain up to Sept. last,	4 12
	<hr/> 197 20
	<hr/> 175,793 89
Appropriated over the amount drawn from Treasury,	6,742 19
	<hr/>
Appropriations to roads, rivers and counties,	182,536 08
Commissioners' drafts reported last year,	138,722 94½
Drafts since paid, and now reported,	24,432 13
	<hr/> 163,155 07½
	<hr/> 19,381 00½
Appropriation over the amount drawn from Treasury,	6,742 19
	<hr/>
Remaining on hand,	\$12,638 81½
Respectfully submitted,	
B. I. BLYTHE,	
Agent 3 per cent. fund.	

December 2, 1833.

On motion of Mr. Stanford,

*Ordered*, That one hundred and fifty copies of the report of the Agent of the 3 per cent. fund, be printed for the use of the members of this House.

On motion of Mr. Stanford,

The House resolved itself into a committee of the whole on the message of his Excellency the Governor, and after some time spent therein, the Speaker resumed the chair, and Mr. Huntington reported, that the committee have according to order had the same under consideration and come to sundry resolutions in which he asked the concurrence of the House, to wit:

1st. *Resolved*, That so much of his Excellency the Governor's message as relates to the revenue, be referred to the committee of ways and means.

2d. *Resolved*, That so much of said message as relates to a State Bank, be referred to a select committee of two members from each judicial circuit, with leave to report by bill or otherwise.

3d. *Resolved*, That so much of said message as relates to the transfer of the probate business to the circuit court be referred to the committee on the judiciary.

4th. *Resolved*, That so much of said message as relates to adding an additional term of the circuit court, be referred to the judiciary committee.

5th. *Resolved*, That so much of said message as relates to the Wabash and Erie canal, and the resolutions of the Legislature of the state of Indiana on that subject, be referred to the committee on canals and internal improvements.

6th. *Resolved*, That so much of said message as relates to connecting the manual labor system of education with the Indiana college, be referred to the committee on education; with leave to report by bill or otherwise.

7th. *Resolved*, That so much of said message as relates to an additional representation in the northern counties, be referred to a select committee.

8th. *Resolved*, That so much of said message as relates to the Indian lands within this state, be referred to a select committee.

9th. *Resolved*, That so much of said message as relates to altering the practice of the circuit courts, be referred to the judiciary committee, with leave to report by bill or otherwise.

10th. *Resolved*, That so much of said message as relates to obtaining a loan for the purpose of improving the several state roads and rivers therein mentioned, be referred to the committee on canals and internal improvements.

11th. *Resolved*, That so much of said message as relates to the extension of the laws over the Indians, be referred to a select committee.

12th. *Resolved*, That so much of said message as relates to the improvement of the harbour at the mouth of Trail creek, be referred to a select committee.

13th. *Resolved*, That so much of said message as relates to the Michigan road, be referred to the committee on roads.

14th. *Resolved*, That so much of said message as relates to a general system of education, and to schools and teachers, be referred to the committee on education.

15th. *Resolved*, That so much of said message as relates to the public buildings, be referred to the standing committee on that subject.

16th. *Resolved*, That so much of said message as relates to the improvement of the Wabash river, be referred to the committee upon canals and internal improvements.

17th. *Resolved*, That so much of said message as relates to the state prison, be referred to the committee on the affairs of the state prison.

18th. *Resolved*, That so much of said message as relates to the town of Indianapolis, be referred to the committee on the affairs of the town of Indianapolis.

Whereupon,

The House concurred in the aforesaid resolutions numbered 1, 2, 3, 4, 5, 7, 9, 10, 12, 14, 15, 16, 17, and 18, respectively.

Mr. Willett moved to amend No. 6, so as to make the reference therein to a select committee instead of the committee on education;

Which motion was decided in the negative.

Said resolution was then concurred in by the House.

Mr. Steele moved to amend No. 8 by striking out "select," and inserting in lieu thereof "judiciary;"

Which motion did not prevail.

Said resolution was then agreed to by the House.

Mr. Stanford moved to amend No. 11 by striking out the words "a select," and inserting "the judiciary," in lieu thereof.

Mr. Brown of T. moved to amend the same so as to make the reference to the same select committee to which was referred No. 8.

Mr. Reid called for a division of the question.

It was thereupon put, to-wit, on striking out the word "judiciary," in the motion of Mr. Stanford,

And decided in the negative.

The question was then put, shall said resolution be amended as proposed by Mr. Stanford?

And passed in the affirmative.

Said resolution, as amended, was then agreed to by the House.

Mr. Davis moved to amend No. 13, so as to make the reference therein to a select committee instead of the committee on roads;

Which motion did not prevail.

Said resolution was then concurred in by the House,

And then the House adjourned until to-morrow morning at 9 o'clock.

## SATURDAY MORNING, DEC. 7, 1833.

The House met pursuant to adjournment.

The Speaker appointed the following select committees pursuant to certain resolutions adopted by the House on yesterday, relative to the Governor's message, to-wit:

Resolution No. 2—Messrs. Dunn, Wallace, Stuart, Parker, Howell, Brackenridge, Smith of K., Huntington, Pearson, Fairman, McBean, Colerick, Thornberry, Smith of F., Davis, and Brady.

Resolution No. 7—Messrs. Stanford, Kilgore, Colerick, Davenport, and Noble.



Resolution No. 8—Messrs. Wright of P., Brown of T., McBean, Edwards, and Fowler.

Resolution No. 12—Messrs. Colerick, Vance, Reid, Brown of L., Levenworth, Evans, and Hardesty.

The Speaker laid before the House a communication from George Smith on the subject of the public printing;

Which was read and,

On motion of Mr. Evans, laid on the table.

Mr. Woodruff presented a petition of Moses Harrold and others, praying for the location of a state road commencing on a state road leading from Port Royal to Indianapolis, on the banks of White river about two miles south of Indianapolis, running from thence to Sparks' ferry on the Driftwood fork of White river;

Which was read and referred to the committee on roads.

Mr. Thompson presented a petition of John C. Parker and others, citizens of Charlestown and its vicinity, praying the passage of a law to authorize the trustees of the town of Charlestown to lay off a street 40 feet in width off the N. W. side of the public square in said town;

Which was read and referred to a select committee of Messrs. Thompson, Stuart, and English.

Mr. Dorsey presented a petition of George White, a citizen of Louisville, Ky. praying compensation for money expended in building a bridge across Silver Creek;

Which was read and referred to the committee on claims.

Mr. Kilgore presented two several petitions of sundry citizens of the county of Delaware, praying a change in part of the Muncietown and Pendleton state road;

Which was read and,

On motion of Mr. Stanford,

*Ordered*, That the same do lie on the table.

Mr. Snapp presented a petition of J. B. Martin, J. Wise, and H. Decker, praying that a company be incorporated to drain a pond in the vicinity of Vincennes;

Which was read and referred to a select committee of Messrs. Snapp, Smith of K., McDonald, Craig, and De Pauw.

Mr. Thornberry presented a petition of John Hughes and others, mechanics, &c. of the county of Wayne, praying a law to give builders, &c. a lien on buildings for work done and materials furnished;

Which was read and referred to the same select committee to which was heretofore referred a resolution on the same subject.

Mr. Clark presented a petition of Luther Tillotson and others, citizens of Warren county, praying the passage of a law to authorize the sale of a school section in said county;

Which was read and referred to a select committee of Messrs. Clark, Gookins, and Piercy.

Mr. Levenworth presented a petition of John Cole and others,

praying a re-location of part of the state road leading from the Horse Shoe bend to Indianapolis;

Which was read and referred to the committee on roads.

On motion of Mr. Huntington, Mr. Bennet was added to the committee on education.

On motion of Mr. Hargrove, Mr. Williams was added to the committee on military affairs.

On motion of Mr. Leslie, Mr. Wilson was added to the committee on canals and internal improvements.

On motion of Mr. Steele, Mr. Dorsey was added to the committee on education.

On motion of Mr. Moore, Mr. Dunning was added to the committee on canals and internal improvements.

On motion of Mr. McDonald, Messrs. Smith of K. and Dorsey were added to the select committee to which was referred a joint resolution relative to the Louisville and St. Louis mail route.

On motion of Mr. Carter, Mr. Vandever was added to the same committee.

On motion of Mr. Brown of T., Mr. Evans was added to the select committee to which was referred so much of the Governor's message as relates to the establishment of a state bank.

Mr. Angle made the following report:

The committee on elections to which was referred the subject of the contested election in the county of Clay, have according to order, had that subject under consideration and now report, that they have carefully and diligently examined all the evidence submitted for their consideration, and from a view of the whole subject they are of opinion that the charges set forth in the notice for contesting the election of William Yocom as a representative from the county of Clay, are wholly unsupported by evidence: the committee therefore recommend the adoption of the following resolution:

*Resolved*, That said William Yocom is duly elected and entitled to a seat in the House of Representatives as a member elect from the county of Clay.

The said resolution was read and agreed to by the House.

Mr. Willet from the committee on education to which was referred the petition of John Hollowell, senr. reported a bill for the relief of the petitioner, which was read the first and second times, (the rules of the House having first been dispensed with.)

Mr. Thompson moved to amend said bill by striking out from the proviso so much as provides for repaying to said Hollowell interest on the money advanced by him; which motion did not prevail.

Mr. Smith of R. moved to re-commit the bill to the committee on education.

Mr. Stanford moved to lay the bill on the table,

Which motion was decided in the negative.

The question was then put on the re-commitment of the bill,

And determined in the negative.

Mr. Thompson moved that it be committed to a committee of the whole House for Monday next;

Which motion was decided in the negative.

The said bill was then ordered to be engrossed and read a third time on Monday next.

Mr. Moore from the select committee to which was referred a resolution directing an enquiry into the expediency of amending the law so as to provide that the consideration of contracts made for government lands shall not under certain circumstances be impeached, reported a bill to amend the act regulating the practice in suits at law;

Which was read the first time and passed to a second reading.

On motion of Mr. Dunning,

*Resolved*, That the committee on education be instructed to enquire into the expediency of repealing so much of an act entitled "An act to incorporate the Monroe county female seminary," approved January 29, 1833, as allows the board doing county business to make compensation to said trustees out of the county treasury of said county, with leave to report by bill or otherwise.

Mr. Wright of P. moved the following resolution:

*Resolved*, That the committee on education be instructed to enquire into the expediency of giving to every representative district to the state Legislature, the right of a student in the Indiana college, whose tuition shall be gratis, and whose right shall be determined by the boards doing county business; and a certificate from them to said institution shall be the evidence of the student's right to a seat in said college, with leave to report by bill or otherwise.

On motion of Mr. Fairman,

Said resolution was amended by inserting before the word "student," the word "indigent."

The resolution, as amended, was then agreed to by the House.

Mr. Evans moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of allowing prosecuting attorneys a stated salary for their services, and placing the conviction fees at this time recovered by law to said prosecuting attorneys, in the State treasury; and that in all cases where the regular prosecuting attorney is absent from court, the attorney appointed by the court to prosecute in his place, shall be entitled to receive such sum for his services as the court shall allow, which amount shall be deducted from the annual salary of the regular prosecutor.

Mr. Pearson moved to amend said resolution so as to give the docket fee to the county seminary instead of the state treasury;

Which motion did not prevail.

On the question, shall said resolution be adopted?

The ayes and noes being requested by two members,



*Those who voted in the affirmative, are*

Messrs. Bigger, Bramwell, Brown of L., Colerick, Dunn, Evans, Fairman, Hughes, Huntington, Kiser, Levenworth, M'Bean, McDonald, Monroe, Noble, Smith of K., Snapp, Stuart, Thompson, Vance, Wallace, Willet, Williams, Wilson, Wright of P., and Palmer, Speaker—26.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Bennett, Brackenridge, Bradbury, Brady, Carter, Clark, Craig, Crume, Davenport, Davis, De Pauw, Dorsey, Dunning, Edwards, English, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Howell, Jones, Kilgore, Leslie, Moore, Nichols, Parker, Piercy, Pearson, Reid, Smith of F., Smith of R., Stafford, Stanford, Steele, Thornberry, Vandever, Woodruff, Wright of P. and D., and Yocom—46.

So said resolution was not adopted.

On motion of Mr. Howell,

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of so amending the act entitled "An act to license and regulate taverns and groceries," approved February 3d, 1832, as to give the board doing county business discretionary power to take into consideration the situation, together with the capital employed by the applicants, in groceries, and to levy a tax accordingly, not less than three nor more than ten dollars, and report by bill or otherwise.

Mr. Thompson moved the following resolution:

*Resolved*, That the judiciary committee be instructed to make the following enquiries, to-wit: 1st, Whether a due regard for the liberty of the citizens and a just and impartial administration of the criminal laws of this state, does not imperiously require that fees be allowed the judicial and ministerial officers thereof, for their judicial and ministerial services in all criminal cases where the state fails in her prosecutions equal to those now allowed by law where she succeeds; or that the law allowing fees in those cases be repealed.

2nd. Whether provision should not be made for the fees of witnesses attending in criminal cases in the circuit courts, and before justices of the peace, in all cases, without regard to the result of prosecutions.

3d. Whether the law allowing jurors fees in criminal cases before justices of the peace, should not be repealed; or if not, that they be allowed said fees regardless of the result of the cases in which they may render service; and that said committee report by bill or bills or otherwise.

Mr. Bramwell moved to amend the same by adding the following:



"Also to enquire into the expediency of making the voluntary prosecuting witness amenable to the officers of court for all costs in case of the failure of the state, unless there be probable cause of prosecution.

And on the question to adopt said amendment, it passed in the affirmative.

Mr. Stanford moved further to amend the same so as to strike out so much of the first clause as relates to "judicial and ministerial officers;"

Which motion did not prevail.

Said resolution, as amended, was then adopted.

On motion of Mr. Kilgore,

*Resolved.* That the committee on the judiciary be instructed to enquire into the expediency of so amending the act relative to crime and punishment, as to make the tenant in possession, whether at will or for years, guilty of arson for the burning of the house or houses of the landlord of which he is possessed, in the same manner as he would be if he was not tenant.

On motion of Mr. Leslie,

*Resolved.* That the judiciary committee be instructed to enquire into the expediency of so amending the 26th section of an act entitled "An act to regulate the mode of doing county business in the several counties in this state," approved January 19th, 1831, as to authorize the circuit, probate, and county courts severally to stipulate the amounts that shall be allowed to clerks and sheriffs for extra services; with leave to report by bill or otherwise.

Mr. Snapp moved the following resolution:

*Resolved.* That the door-keeper be instructed to call upon the Adjutant General for 25 copies of the militia law for the use of the members of this House.

Mr. Smith of R. moved to amend the same by striking out "twenty-five," and inserting in lieu thereof "seventy-five," which was agreed to by the House.

Said resolution, as amended, was then adopted.

Mr. Brown of L. moved the following resolution:

*Resolved.* That the committee on roads be instructed to enquire into the expediency of amending the laws now in force in this state, in relation to public roads and highways, so that each person subject to work on roads shall work the same length of time; and into the expediency of repealing so much of said laws as lays a tax on real estate for road purposes, and so much as allows supervisors pay for their services; with leave to report by bill or otherwise.

Mr. Craig moved to lay the same on the table.

Mr. Bigger moved that the House adjourn until Monday morning at 9 o'clock.

Mr. Thompson named Tuesday morning at 9 o'clock.

The question was then put, will the House adjourn until Tuesday morning at 9 o'clock,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bigger, Colerick, Dunning, Huntington, Noble, Smith of K., Snapp, Stuart, Thompson, Wallace, and Wright of P.—11.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Bennett, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Carter, Clark, Craig, Crume, Davenport, Davis, De Pauw, Dorsey, Dunn, Edwards, English, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Jones, Kilgore, Kiser, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Moore, Nichols, Parker, Piercy, Pearson, Reid, Smith of F., Smith of R., Stafford, Stanford, Steele, Thornberry, Vance, Vandever, Willet, Williams, Wilson, Woodruff, Wright of P. and D., Yocom, and Palmer, Speaker—61.

So said motion was decided in the negative.

The question was then put, will the House adjourn until Monday morning at 9 o'clock?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Colerick, Davenport, Davis, Dorsey, Dunn, Evans, Fairman, Guard, Hardesty, Hargrove, Hughes, Jones, Leslie, Monroe, Noble, Parker, Reid, Stanford, Steele, Thornberry, Williams, Wilson, and Palmer, Speaker—22.

*And those who voted in the negative, are*

Messrs. Beem, Bennett, Brown of L., Carter, Clark, Craig, Crume, De Pauw, Dunning, Edwards, English, Ferguson, Fields, Foster, Fowler, Gookins, Guion, Howell, Huntington, Kilgore, Kiser, Levenworth, M'Bean, M'Donald, Moore, Nichols, Piercy, Pearson, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stuart, Thompson, Vance, Vandever, Wallace, Willett, Woodruff, Wright of P., Wright of P. and D., and Yocom—43.

So the House refused to adjourn until Monday morning at 9 o'clock.

And the House adjourned until two o'clock, P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment,

And resumed the consideration of the resolution pending at the last adjournment.

Mr. Smith of R. moved to amend the same by striking out so

much thereof as relates to a tax on real estate for road purposes;  
And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bennett, Bigger, Bramwell, Colerick, Craig, Crume, Dorsey, Evans, Fowler, Guion, Hardesty, Hargrove, Hughes, Leslie, Piercy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Wallace, Willett, Wright of P., and Wright of P. and D.—27.

*And those who voted in the negative, are*

Messrs. Angle, Brackenridge, Brown of L., Brown of T., Carter, Clark, Davis, De Pauw, Dunning, Edwards, Fairman, Ferguson, Fields, Foster, Guard, Howell, Huntington, Kilgore, Levenworth, M'Bean, M'Donald, Monroe, Moore, Nichols, Parker, Steele, Thompson, Thornberry, Vance, Vandever, Williams, Wilson, Woodruff, Yocom, and Palmer, Speaker—35.

So said motion was decided in the negative.

Mr. Vandever moved to amend the same so as to except all lands from a road tax, but non-residents;

Which motion did not prevail.

Mr. Brackenridge moved to strike out the first clause of said resolution;

Which motion was decided in the negative.

The question was then put, shall said resolution be adopted?

And decided in the negative.

On motion of Mr. Smith of F.,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the act entitled "An act to prevent the sale of ardent spirits to the Indians," approved February 3, 1832, as to limit the penalty provided by that act, against persons selling or giving spiritous liquors to an Indian, to those persons who may sell, give, or otherwise dispose of spiritous liquors to any Indian or Indians belonging to any tribes in this state, or residing within the limits of some such tribe.

On motion of Mr. Brackenridge,

*Resolved*, That the committee on roads be instructed to enquire into the expediency of substituting some other method of compensating supervisors than the one now provided by law.

On motion of Mr. Levenworth,

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of abolishing the office of agent of the three per cent. fund, when the present agent's term of office shall expire, and of authorizing the treasurer of state to perform the duties thereof; with leave to report by bill or otherwise.

On motion of Mr. Brown of T.,



*Resolved*, That the committee on education be instructed to enquire into the expediency of providing by law for the establishment of a system of common schools throughout the state, and of making the proceeds of the sales of school sections or the rents or profits thereof, a permanent fund for the support of a school in each congressional township, and to report by bill or otherwise.

Mr. Carter moved the following resolution:

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the act entitled an act incorporating congressional townships and providing for public schools therein, approved February 2, 1833, that so much of the interest accruing from the proceeds arising from the sales, together with the rents of the school lands in each township as is necessary for the building and finishing school houses as described in the said act, shall be applied for the purpose of building and finishing the school houses as contemplated by said act, where they are not already built and finished; and further to so amend the said act as not to make the poor or unsettled men who have no land of their own, together with those men who have already schooled their children, pay as much in labour or otherwise, towards building and finishing school houses as the freeholders and men of wealth; but that every man pay according to his wealth and his interest in the school house so to be built; and report by bill or otherwise.

Mr. Clark moved to amend said resolution by striking it out from the resolving clause and inserting in lieu thereof the following:

"That the duties now appertaining to the school commissioners of the several counties, and the sub-trustees of school districts, be hereafter vested in the township trustees, who shall have discretionary power in the assessment of money and labour for the purpose of building and finishing school houses."

Mr. McDonald called for a decision of the question.

It was thereupon put, on striking out and decided in the negative.

Mr. Hardesty moved to amend the resolution by striking it out from the resolving clause and inserting in lieu thereof the following:

"That the committee on education be instructed to enquire if any, and what changes are necessary to the "act incorporating Congressional townships, and providing for public schools therein," approved February 2, 1833, with leave to report by bill or otherwise."

A division of the question was called for by Mr. Howell,  
And the first branch thereof being put, to wit, on striking out,  
It passed in the affirmative,  
And on the question to insert the matter as proposed,  
It was carried in the affirmative;



The question recurring on the adoption of the resolution as amended,

It was decided the negative.

The Speaker laid before the House the following communication from Samuel Merrill, Treasurer of State, covering his annual report, upon the state of the finances, with accompanying documents as follows, to-wit:

*To the Speaker of the House of Representatives:*

Herewith are submitted to be laid before the House of Representatives.

The Treasurer's Annual Report,

The Loan Office Report,

A bill of the cost of Stationary,

The items of the Contingent Fund,

A list of the borrowers of the State House Funds, and a

List of borrowers of the College Funds.

I have the honor to be, &c.,

SAM'L. MERRILL.

*Treasurer's Office, Dec. 7, 1833.*

TREASURY DEPARTMENT, }  
*Indianapolis, Dec. 5, 1833. }*

The Treasurer, in obedience to the directions of the "Act concerning the Auditor of Public Accounts and Treasurer of State," submits the following Report of the Revenue and Expenditure of the State from Dec. 1, 1832, to Nov. 30, 1833.

Balance in Treasury reported last year,	\$31,536 88
Receipts during the fiscal year from revenue of 1823,	163 40
"                    "                    "                    "                    1825,	675 90
"                    "                    "                    "                    1831,	111 00
"                    "                    "                    "                    1832,	32,408 79
"                    "                    "                    "                    1833,	7,399 01
Rent paid by Superintendent State Prison,	700 00
From sale of Michigan Road Lands,	56,765 37
"            lots, &c. at Indianapolis,	6,226 02
"            College Lands,	3,010 10
"            Mortgaged Lands,	122 00
Loans of College Funds paid,	10,685 38
"            State House            "	950 00
Interest of College Funds,	1,856 37
"            State House            "	720 17
Contingent allowance refunded,	55 00
Militia Fines,	90
Estates without heirs,	51 82
Rents of Salt Lick Reserves,	238 14
	<hr/>
	\$153,676 26

## EXPENDITURES DURING THE SAME PERIOD.

Pay and milage of members of the Legislature,	\$14,881 33
“ of Clerks, Doorkeepers, and Stationary,	2,074 36
Printing for last and Stationary for present session,	5,931 02
Specific appropriations,	1,450 20
Contingent expenses,	794 62
Premiums for Wolf Scalps,	816 00
Pay of Probate Judges,	2,043 00
“ Executive Officers,	2,450 00
“ Judges,	8,030 57
“ Prosecutors,	1,148 47
“ Adjutant and Quarter Master General,	100 00
Expenses of State House,	12,074 73
“ “ Prison,	877 25
“ “ Library,	248 37
“ Salt Springs,	25 00
“ Presidential Election,	315 24
“ Indiana College,	2,332 58
“ Michigan Road,	2,407 65
“ Seat of Government,	536 00
Loan of College Funds,	8,675 50
“ State House “	17,396 00
Michigan Road scrip redeemed,	52,065 08
Canal Fund expended,	100 00
Treasury Notes destroyed and interest,	4 00
Balance in the Treasury,	16,899 29
	<hr/>
	\$153,676 26

The cash on hand is subject to the following deductions:

Outstanding warrants,	\$155 00
Salaries and other claims due but not audited,	2,887 50
College Fund in Treasury,	2,199 15
Canal Fund “	48 56
Militia Fines to be distributed,	531 40
Claims of Probate Judges estimate,	1,000 00

In all, \$6,821 61

Which deducted from the cash on hand, leaves	\$10,077 68
The revenue of 1833, to be paid subsequently to the 30th Nov. will probably amount to	33,500 00

Making for the expenses of the ensuing year, \$42,577 68

Those expenses may be estimated as follows:

Salaries of Judges and Prosecutors,	9,000 00
“ Executive Officers,	2,600 00
Printing, Stationary, distributing Laws, &c.	6,000 00
Legislature,	17,000 00
Contingent and specific appropriations,	2,500 00

Probate Judges,	2,500 00
Wolf Scalps,	800 00
State Prison,	800 00
State Library, Adjutant General, &c.	250 00
	<hr/>
	\$41,450 00

Which will leave in Treasury, 1st Dec. 1834, \$2,127 68

No considerable diminution in the increase of the revenue appears to have been occasioned by the law which appropriates the delinquent land tax with penalties and forfeitures to constitute a school fund. The returns, required by that law, to this office, have not been made except by the school commissioners of the following counties, viz: Randolph, Bartholomew, Boone, Hamilton, Morgan, Dearborn, Fayette, Jefferson, Lawrence, Johnson, Shelby, Hendricks, Switzerland, Orange, Warren, Putnam, Greene, Montgomery, Franklin, Parke, Rush, and Owen. This subject may soon be sufficiently important for a penalty to be prescribed in case the school commissioners fail to do their duty. Some regulations will also be necessary for disposing of the lands forfeited to the school fund. To secure regularity in the title and mode of doing business, it is respectfully recommended that the school commissioners be required to obtain judgments in the courts for the amounts chargeable, that the lands forfeited be sold as on judgments in other cases, reserving a right to the former owner for the balance over all charges, whenever he should call for it.

Respectfully submitted.

S. MERRILL.

*REPORT in relation to the Loan Office from Dec. 1, 1832 to Nov. 30, 1833.*

RECEIPTS.

From James Borland, commissioner of the College township in Monroe,	\$1,300 68
From James Smith, commissioner of the township in Gibson,	1,649 42
Loans refunded,	10,685 38
Sale of part of the property of the late James Noble,	122 00
Interest on loans,	1,856 37
	<hr/>
	\$15,673 85

CONTRA,

Balance in advance of the fund last year,	2,466 62
Loans as per list accompanying,	8,675 50
Salaries of the President and other officers of College,	1,987 50

Work on College buildings,	200 00
Douglass and Maguire for printing,	8 00
Superintendent's salary and allowance,	82 40
Recorders of Gibson and Monroe,	54 68
Cash on hand,	2,199 15

---

\$15,673 85

Respectfully submitted.

S. MERRILL.

*Amount paid by the Treasurer for Stationary, Carriage, &c. from  
Dec. 1, 1832 to Nov. 30, 1833.*

Balance paid Wm. Sheets on bill of paper for 1832,	57 75
Dec. 18, 1832—paid N. Cline for carriage,	25
Mar. 4, 1833—paid John Johnson “	2 29
13, “ —paid Mumford Falconer for carriage,	13 6
“ “ —paid N. Cline, “	26
20, “ —paid N. M'Carty, for 2 reams super royal paper, 4 25	8 50
22, 6 “ “ “	25 50
23, 8 “ “ “	34

Bought of John Sheets—

100 reams royal paper, No. 3, 4	400
30 “ “ 4, 3 50	105
120 “ “ 5, 3 25	390
30 “ “ 3, 3 50	105
15 “ post, “ 1, 4	60
10 “ cap, “ 1, 3 25	32 50
10 “ “ “ 3, 2 75	27 50
10 “ envelop, 5	50

Bought of Leeds, Jones & Co.—

80 reams royal paper, No. 5, 3 25	260
50 “ “ 3, 4	200
3 3-4 medium envelop, 3 37	12 65
3 royal, 3 75, 4 sup do. 4	27 25
20 post, 1, 3 75	75
10 cap, 1, 3 25	32 50
10 “ 3, 2 75	27 50
20 medium, 4, 3 25	65
Carriage on 4,365 lbs.	48 41

---

\$2,110 41

Paid Williamson Dunn, for carriage, 75 18

Paid Wm. Sheets, “ 20

Bought of C. Donaldson & Co.—

1 5-12 dozen snuffers 1 37	1 93
1.2 “ pol. “ 3 50	1 75



Bought of C. Beach—				
Lot of tapes, ribbons and pencils,				9 25
Bought of Josiah Drake—				
38 boxes of wafers,				15 50
8 dozen red tape,				7 50
6 reams fine paper,				27
4,800 quills, assorted,				48 50
3 dozen inkstands,		2		6
3 “ sand boxes,		1		3
6 “ Walkden's ink powder,		1	12½	6 75
1 “ red ink,				1 12½
12 “ sand,				12
4 “ bottles black ink,		2		8
2 “ lead pencils,			50	1
Expense of purchase and carriage,				20

Extracted from the bills and receipts, \$2,374 89  
S. MERRILL.

*Contingent Expenses From Dec. 1, 1832 to 30th Nov. 1833.*

1832, Dec. 10—Nathaniel Miller, for transporting arms,	\$20 00
1833, Jan. 8—John Cain for postage,	82 00
“ “ —Brown and Morrison for stationary,	22 00
“ “ 15—Thomas Bell for notifying electors,	26 00
“ Feb. 15—D. Maguire for services as Governor's Secretary,	50 00
“ “ —N. Noble expense of Salt Lick documents,	10 00
—Tho. O'Neal transporting arms,	39 50
—R. A. Taylor, for repairing hearth for Secretary,	1 00
—Yandes & Porter, for quills for Auditor,	1 00
March—D. C. Priddy for transporting arms,	5 00
—M'Carty & Williams for stationary,	20 93
—Jacob Landis do.	22 90
April 8—John Cain for postage,	52 77
—F. T. Luse for book case for Sec'y,	4 56
June—Jos. Caldwell for transporting arms,	20 00
—F. T. Luse for desk for Auditor,	5 00
—N. Cox for boxes for distributing laws,	32 50
—Isaac Smock for carriage of map,	50
July—John Cain for postage,	70 84
“ “ book for clerk S. C.	12 00
“ “ stationary for Qr. Master General;	6 60

	—S. S. Rooker for glazing,	75
	—L. Walpole stationary for Treas'r.,	1 19
	—T. F. G. Adams for trans. arms,	20 00
	—J. F. Lane for storage of arms,	27 25
	—Geo. P. Buell for storage and com- mission on arms,	37 62
	—N. Simpson for carriage of arms,	10 00
October	15—John Cain for folding and stitching Bank Report,	14 50
	—John Cain for postage,	93 71
November	27—C. & J. Cox for repairs at Secreta- ry's office,	9 50
	—Hargrove and Kurkham compensa- tion for arrest of White,	75 00

Correctly extracted.

S. MERRILL.

*List of Borrowers of the State House Funds.*

Andrew Blunt,	:	:	:	:	\$ 61
Henry Porter,	:	:	:	:	500
Alexander Dickinson,	:	:	:	:	110
Isaac Stipp,	:	:	:	:	125
John W. Foudray,	:	:	:	:	250
Frederick Baylor,	:	:	:	:	110
Hiram Bacon,	:	:	:	:	150
Badoc Coverdill,	:	:	:	:	100
James Blake & Co.	:	:	:	:	9,000
John Cann,	:	:	:	:	500
Jonathan Paddock,	:	:	:	:	100
Joseph Wingate,	:	:	:	:	200
N. Noble,	:	:	:	:	200
Benjamin M'Clure,	:	:	:	:	100
John M'Fall,	:	:	:	:	120
Daniel Stuck,	:	:	:	:	100
Samuel Henderson,	:	:	:	:	135
Robert Hanna,	:	:	:	:	500
Isaiah Reid,	:	:	:	:	110
J. & P. Landis,	:	:	:	:	750
D. Maguire,	:	:	:	:	100
Thomas M. Smith,	:	:	:	:	275
Jacob Reckenbaugh,	:	:	:	:	300
Wesley Smith,	:	:	:	:	200
S. B. Gardner,	:	:	:	:	500
Sidney Williams,	:	:	:	:	200
George Walker	:	:	:	:	100
Thomas Browa,	:	:	:	:	500

Robert Wilson,	:	:	:	:	:	100
Jacob Triggs,	:	:	:	:	:	100
James M'Clure,	:	:	:	:	:	100
Thomas Bell,	:	:	:	:	:	200
Jos. Griffith,	:	:	:	:	:	150
Chas. Neighbors,	:	:	:	:	:	100
John Douglass,	:	:	:	:	:	325
James Duncan,	:	:	:	:	:	50
John Cain,	:	:	:	:	:	300
Jacob Turner,	:	:	:	:	:	500
Oliver Shurtliff,	:	:	:	:	:	75

---

\$17,396

Mr. Cain's loan of \$300, Mr. Turner's, Mr. Duncan's and \$100 of Mr. Noble's loan have been returned. The moneys have been loaned at the rate of ten per cent. The interest that is paid and that which is now due amounts to \$1,470 17.

S. MERRILL.

*List of Borrowers of the College Funds during the year ending the 30th November, 1833.*

John C. Hume,	-	-	-	-	-	\$106 00
John W. Cox,	-	-	-	-	-	200 00
James Gregory,	-	-	-	-	-	200 00
Frederic Bronenburgh,	-	-	-	-	-	300 00
William Banks,	-	-	-	-	-	100 00
Azariah Williams,	-	-	-	-	-	250 00
Matthew Zion,	-	-	-	-	-	56 00
James Green,	-	-	-	-	-	100 00
Charles Vertrees,	-	-	-	-	-	400 00
David Buchanan,	-	-	-	-	-	55 00
John Wallace,	-	-	-	-	-	300 00
Gilbert Bates,	-	-	-	-	-	200 00
James Skelly,	-	-	-	-	-	41 50
Samuel Brown,	-	-	-	-	-	220 00
Homer Johnson,	-	-	-	-	-	300 00
Francis McClelland,	-	-	-	-	-	150 00
John M. Colman,	-	-	-	-	-	500 00
Jonathan Gilbert,	-	-	-	-	-	175 00
Andrew Allen,	-	-	-	-	-	400 00
Vance Jones,	-	-	-	-	-	125 00
Alfred Harrison,	-	-	-	-	-	50 00
Zaccheus Bennet,	-	-	-	-	-	150 00
John B. Harmon,	-	-	-	-	-	225 00
John F. Dufour,	-	-	-	-	-	300 00

Joseph Young,	-	-	-	-	-	150	00
Erasmus Powell,	-	-	-	-	-	200	00
William Jones,	-	-	-	-	-	100	00
Otis Sprague,	-	-	-	-	-	200	00
Thomas J. Matlock,	-	-	-	-	-	400	00
David Matlock,	-	-	-	-	-	62	50
A. C. Reid,	-	-	-	-	-	500	00
Ebenezer Patrick,	-	-	-	-	-	200	00
Charles M'Carty,	-	-	-	-	-	100	00
James T. Karter,	-	-	-	-	-	200	00
Frederic Elswich,	-	-	-	-	-	62	80
John J. Belles,	-	-	-	-	-	53	00
Daniel Skelly,	-	-	-	-	-	30	00
Israel Cotton,	-	-	-	-	-	106	00
Obediah Harris,	-	-	-	-	-	125	00
Jacob Summy,	-	-	-	-	-	125	00
Winthrop Foote,	-	-	-	-	-	350	00
William M'Irvine,	-	-	-	-	-	125	00

---

\$8,675 50

S. MERRILL.

Which were read and referred to the committee of ways and means.

*Ordered*, That three hundred copies thereof be printed for the use of the members of this House.

Mr. Brady moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of abolishing capital punishment, with leave to report by bill or otherwise.

On motion of Mr. Angle,

Said resolution was so amended as to refer the enquiry to a select committee;

And on the question, shall said resolution be adopted?

The ayes and nocs be requested by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bennett, Bradbury, Brady, Bramwell, Brown of T., Clark, Colerick, De Pauw, Huntington, Nichols, Stafford, Stanford, Steele, Thompson, Thornberry, Vance, Willett and Woodruff—20.

*And those who voted in the negative, are*

Messrs. Bigger, Brackenridge, Brown of L., Carter, Craig, Crume, Davis, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Gui-



on, Hardesty, Hargrove, Howell, Hughes, Jones, Kilgore, Kiser, Leslie, Levenworth, M'Bean, M'Donald Monroe, Moore, Noble, Parker, Pearson, Piercy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stuart, Vandever, Wallace, Williams, Wilson, Wright of P., Wright of P. and D., Yocom and Palmer, Speaker—52.

So said resolution was not adopted.

Mr. Brackenridge moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the 29th section of an act regulating the practice in suits at law, as to give to the court a discretionary power of taxing the costs of a continuance.

Mr. Bigger excepted to said resolution as out of order, for that the same subject had been heretofore (during the present session) determined by the House.

The question was then put, shall Mr. Brackenridge have leave to introduce the said resolution? and passed in the affirmative.

Whereupon,

The said resolution was read, when

Mr. Evans moved to amend it by adding thereto the following, "and of repealing so much of the 13th section of the act regulating the practice at law as requires a resident plaintiff to give security for costs."

To which motion Mr. Steele objected as out of order, because a resolution to which the same amendment was made, had been heretofore and during the present session, negatived by the House.

And on the question, shall Mr. Evans have leave to move said amendment?

Leave was refused.

A motion was thereupon made by Mr. Pearson to amend said resolution, by annexing the following:

*Provided*, It shall be the opinion of the court that the party applying for the continuance, has been compelled to do so by the fraudulent practices of the opposite party."

Which motion was decided in the negative.

The question recurred on the adoption of said resolution,

And the ayes and noes being requested thereon by two members.

*Those who voted in the affirmative, are*

Messrs. Angle, Brackenridge, Brown of L., Brown of T., Colerick, Craig, Dunn, Dunning, Edwards, Fields, Fowler, Guard, Hargrove, Howell, Huntington, Kilgore, M'Donald, Nichols, Noble, Smith of F., Smith of K., Snapp, Stafford, Vance, Wilson, Wright of P. Wright of P. and D. and Palmer Speaker—28.

*And those who voted in the negative, are*

Messrs. Beem, Bennett, Bigger, Bradbury, Brady, Bramwell, Carter, Clark, Crume, Davis, De Pauw, Dorsey, English, Evans, Fairman, Ferguson, Foster, Gookins, Guion, Hardesty, Hughes, Jones, Kiser, Leslie, Levenworth, M'Bean, Monroe, Moore, Parker, Piercy, Pearson, Reid, Smith of R., Stanford, Steele, Stuart, Thompson, Thornberry, Vandever, Wallace, Willett, Williams, Woodruff and Yocom—44.

So said resolution was not adopted.

On motion of Mr. Smith of K.,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending an act entitled "an act to provide a fund for common schools," approved Feb. 2d, 1832, as to give the county commissioners power in all cases, where they may be satisfied that a mistake has been made, in giving the lister the description of land or lots, and the tax has actually been paid on a different tract of land or lot, from which was intended, to rectify the same, and afford relief by applying the amount so paid to the payment of the tax on the property intended.

Mr. Thompson moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the propriety of repealing so much of the 23d section of the act organizing Probate Courts, and defining the powers and duties of executors, administrators and guardians," as authorizes said courts to require the distributors of decedents estates, to file in the office of the clerks of said courts bond with security previous to their respective shares in such distribution being paid to them, with leave to report by bill or otherwise.

Which was read, and

On motion of Mr. Steele,

*Ordered*, That the same do lie on the table.

Mr. Craig moved the following resolution:

*Resolved*, That a select committee be appointed to enquire into the propriety of repealing so much of the law as allows constables mileage in all civil cases.

Mr. Howell moved to amend said resolution, so as to provide that their mileage shall be disallowed only when they go out of their township.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Brackenridge, Brady, Carter, Colerick, Fields, Guion, Howell, Moore, Noble, Piercy, Vance and Vandever—13.

*And those who voted in the negative, are*

Messrs. Beem, Bennett, Bigger, Bradbury, Bramwell, Brown of L., Brown of T., Clark, Craig, Crume, Davis, De Pauw, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Ferguson, Foster, Fowler, Gookins, Guard, Hardesty, Hargrove, Hughes, Huntington, Jones, Kilgore, Kiser, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Nichols, Parker, Piercy, Reid, Smith of F., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Thornberry, Wallace, Willett, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D., Yocom and Palmer, Speaker—59.

So said amendment was not agreed to.

The question was then put on the adoption of said resolution,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Brown of T., Carter, Craig, Fields, Kiser, Vandever, and Yocom—7.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Bennett, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Clark, Colerick, Crume, Davis, De Pauw, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Ferguson, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Huntington, Jones, Kilgore, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Moore, Nichols, Noble, Parker, Piercy, Pearson, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Thornberry, Vance, Wallace, Willett, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D. and Palmer, Speaker—65.

So said resolution was not adopted.

On motion of Mr. Dunn,

Mr. Brown of L. was added to the select committee to which was referred so much of the Govr's message as relates to a State Bank.

On motion of Mr. Kilgore,

Messrs. Edwards and Clark were added to the select committee to which was referred so much of the Governor's message as relates to an increase of representation in the northern counties.

On motion of Mr. Dunning,

*Resolved.* That the judiciary committee be instructed to enquire into the expediency of so amending the act entitled "an act to regulate the mode of doing county business in the several



counties in this state approved," January 19th, 1831, as to give directly to the boards so doing business, the power to administer oaths or to call on the clerk to do the same, with leave to report by bill or otherwise.

And then the House adjourned until Tuesday morning next at 9 o'clock.

---

## TUESDAY MORNING, DEC. 10, 1833.

The House met pursuant to adjournment.

Mr. Evans, after having obtained leave, moved the following resolution:

*Resolved*, That Robert M'Intire, Esq. one of the pioneers of Indiana, a member of the Convention that formed the Constitution of this state, and formerly a member of this House, now on a visit to this place, be invited to take a seat within the Hall of the House of Representatives during his stay; and should there be any other members of said Convention here, that said invitation be extended to them and that the door-keeper provide seats;

Which was read and adopted by the House.

Mr. Dunn presented a petition of Daniel Taylor and others, praying a review of part of the state road leading from Harrison to Indianapolis, also a remonstrance of sundry persons against said review:

Which were read and referred to the committee on roads.

Mr. Reid presented a petition of Richard Smith and others, revolutionary pensioners, residents of Franklin county, praying the adoption of measures for a removal of the pension office:

Which was read, when

Mr. Reid moved to refer the same to a select committee.

Mr. Wallace moved that the same do lie on the table.

Which motion passed in the affirmative.

Mr. Dunning presented a communication in writing from John Ketcham of Monroe county, complaining of certain grievances therein named;

Which was read, when

Mr. Brown of T. moved that the same be rejected,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bennett, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Crume, De Pauw, Davenport, Davis, Dorsey,



Dunn, Dunning, Edwards, English, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Huntington, Jones, Kilgore, Kiser, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Moore, Nichols, Parker, Pearson, Piercy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Thornberry, Vance, Vandever, Wallace, Willet, Williams, Wilson, Woodruff, Wright of P. and D., Yocom and Palmer, Speaker—72.

So said communication was rejected.

Mr. Brackenridge presented a petition of Britain Glenn and others, praying the passage of a law to authorize Moses and Job Matthews & Co. to build a mill dam across Little Pigeon creek;

Which was read and referred to the select committee of Messrs. Brackenridge, Howell, Levenworth, Wright of P. and D. and Vandever.

Mr. Foster presented a petition of David Carr and others, praying a vacation of part of the state road leading from Indianapolis to Centreville;

Which was read and referred to the committee on roads.

Mr. Dunning presented a petition of Jennet Wallace and others, praying an act to authorize John Ketcham (guardian &c.) to sell a certain tract of land therein named;

Which was read and referred to the committee on the judiciary.

Mr. Davis presented a petition of Carleton R. Tracy and others, praying an alteration of part of the state road leading from Shelbyville to Greenfield;

Which was read and referred to a select committee of Messrs. Davis, Foster and Woodruff.

Mr. Craig, presented a petition of Andrew Cavitt and others, citizens of Posey county praying a change in several laws therein enumerated;

Which was read, when

Mr. Craig moved that the same be referred to the committee on roads.

Mr. Steele moved that said petition be referred to a select committee instead of the committee on roads.

Which motion passed in the affirmative,

Whereupon,

Messrs. Craig, Hargrove and Snapp were appointed said committee.

Mr. Colerick presented a petition of R. J. Dawson and others, praying the location of a state road from Fort Wayne to the Ohio state line;

Which was read and referred to a select committee of Messrs. Colerick, Edwards and Kilgore.

Mr. Yocom presented a petition of Samuel Rixley and others,

praying a change in part of the State road leading from Green-castle to Carlisle;

Which was read and referred to the committee on roads.

Mr. Thornberry presented a petition of Caleb Shearon and others, praying the establishment of a state bank and branches;

Which was read and referred to the same select committee to which was referred so much of the Governor's message as relates to a State bank.

Mr. Bradbury presented a petition of Mark E. Reeves and others, on the same subject;

Which was read and referred to the same select committee.

Mr. Dunning presented a petition of John Bowland and others, praying relief to William Clark, with accompanying documents;

Which were read and referred to the committee on education.

Mr. Evans after having obtained leave presented the following resolution:

*Resolved*, That the committee on claims be instructed to enquire what allowance should be made to Harrison R. Thomas and Valentine C. Githins for repairing the handrailing of the Representative Hall, and report the same to this House;

Which was read and adopted by the House.

Mr. Wright of P. presented a petition of Joseph Wilkison and others, praying the location of a state road from the middle stake in section 30, town 15, N. of R. 5 to intersect the state road leading from Strain's mill to Rockville at the brick school house on said road;

Which was read and referred to the committee on roads.

On motion of Mr. Kilgore,

The petition presented by himself and laid on the table on the 7th inst. relative to the Muncietown and Pendleton state road, was taken up, and referred to a select committee of Messrs. Kilgore, M'Bean and Foster.

Mr. Kilgore presented a remonstrance of sundry citizens on the same subject with accompanying documents;

Which were read and referred to the same select committee last named.

Mr. Stanford from the select committee to which was referred a petition on that subject, reported a bill to locate a state road from Mill's mills in Wayne county to the falls of Fall creek in Madison county;

Which was read the first time and passed to a second reading.

Mr. Smith of F. from the committee on roads to which was referred a petition on that subject reported a bill to locate the Connersville and Brookville state road;

Which was read the first time and passed to a second reading.

The Speaker laid before the House the annual report of the Auditor of Public Accounts, with accompanying documents;

Which were read, and on motion of Mr Bigger, referred to the committee of ways and means.

[See Appendix A.]

Mr. Bigger moved that 300 copies of the report of the Auditor of Public Accounts be printed for the use of the members of this House.

Mr. Piercy moved that 600 copies be printed;

Which motion passed in the affirmative.

On motion of Mr. Bigger,

*Resolved*, That the committee on education be instructed to enquire into the expediency of requiring petitioners for relief from any of the acts of commissioners of the school fund, or the trustees of congressional townships, to prove, prior to the Legislature acting on any such petition, that the school commissioner or trustees against whose acts relief is prayed, have had written notice of such application, previous to the meeting of the Legislature; with leave to report by bill or otherwise.

Mr. Vandever moved the following resolution:

*Resolved*, That the committee on education be instructed to enquire into the expediency of repealing the 5th and 6th sections of an act entitled an act relating to county seminaries, approved February 4th, 1831, so far as requires justices of the peace to pay the fines assessed and collected for breaches of the peace to the trustee of said county seminaries, and inquire further into the expediency of depositing said fines so assessed and collected in the school commissioner's office for the use of free schools in the different school districts where the defendants reside; with leave to report by bill or otherwise.

And on the question to adopt the same, it was decided in the negative.

Mr. Parker moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of repealing so much of the 5th section of the act regulating taverns and groceries, approved February 3d, 1832, as makes it necessary for a person to obtain the certificate of 24 freeholders before such person can obtain license.

Mr. Stuart moved to amend the same by adding thereto the following: "except upon the first application;"

Which motion was decided in the negative.

And on the question to adopt said resolution, it was decided in the negative.

On motion of Mr. Fairman,

*Resolved*, That a select committee be appointed to memorialize Congress, praying in behalf of the state of Indiana, for the right of way through the public lands to construct a rail road from the town of Lafayette on the Wabash river to the mouth of Trail creek, eighty feet wide, with the privilege of taking for the use of said road any timber, stone, gravel, or any other material from the public lands.

*Ordered*, That Messrs. Fairman, Colerick, and Vance be a select committee in pursuance of said resolution.



On motion of Mr. Wright of P.,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of repealing so much of the act passed for the benefit of persons who were likely to suffer by the destruction of the records of Parke county, approved December 28th, 1832, so as to give the clerk of the Parke circuit court, full power to transact all the business that said act gives the commissioner and clerk mentioned in said act, and that persons who have business to transact in said court, pay the expense of the same; with leave to report by bill or otherwise.

Mr. Vandever moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of repealing so much of the first and ninth sections of an act regulating the admission and practice of attorneys and counsellors at law, approved January 31, 1824, as relates to prohibiting any person or persons not licensed as an attorney and counsellor at law within this state, from receiving any money or other species of property as a fee or compensation for services rendered or to be rendered by him or them as attorney or counsellor at law, and lays such person or persons liable to pay back threefold the amount so received, together with the cost of suit, before a justice of the peace, if it is within the justice's jurisdiction, if not, then before any court of record by an action of debt, the one half for the use of the person who may sue for the same, and other half to the use of the county in which such suit shall be brought; and report by bill or otherwise.

Before any question was had thereon the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment,

And resumed the consideration of the resolution offered by Mr. Vandever, pending at the last adjournment.

Mr. Crume moved to amend the same by striking out the word "judiciary," and inserting in lieu thereof "select;"

Which motion passed in the affirmative.

The question was then put, shall said resolution as amended be adopted?

And decided in the negative.

Mr. Steele moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law regulating the practice in suits at law, as to give discretionary power to the court in such suits in which the defendant shall have required a resident plaintiff to give security for costs, by making affidavit that he believed the plaintiff had no good cause of action against him, and that the plaintiff had commenced the suit for the purpose of ha-



raising or oppressing the defendant—that he did not expect to recover or realize the costs that might be adjudged to him, if judgment should be given for him, to tax ten per cent. damages against the defendant making such affidavit on the amount of the judgment if the plaintiff should succeed in the suit.

Mr. Huntington moved to amend said resolution so as to provide for taxing double costs against the defendant instead of the ten per cent. damages.

Mr. Evans moved to amend said proposed amendment so as to deprive the court of discretion in the taxation of such double costs;

Which motion did not prevail.

And the question being put on the amendment proposed by Mr. Huntington,

It was decided in the negative.

On motion of Mr. Dunn,

The words “not exceeding” were prefixed to the words “ten per cent.” in said resolution, and

The resolution, as amended, was then agreed to by the House.

On motion of Mr. Brown of L.,

Whereas, many of the sections reserved for the support of township schools, do not contain the number of acres as returned by the United States surveyors; and whereas, some of said lands have been sold as containing a greater number of acres than is really contained in said sections—

*Resolved*, That the committee on education be instructed to enquire into the expediency of further legislation in relation thereto.

On motion of Mr. Evans,

*Resolved*, That the doorkeeper be authorized to contract for the repair of the pavement of the lobby, and also for what new desks may be necessary for the accommodation of the members.

On motion of Mr. Thompson,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of repealing so much of the criminal laws of this state, as authorize imprisonment in the jail of the proper counties, as part of the punishment for violations of the penal laws thereof; with leave to report by bill or otherwise.

Mr. Leslie moved the following resolution:

*Resolved*. That the committee on education be instructed to enquire into the expediency of so amending an act entitled “An act incorporating congressional townships and providing for public schools therein,” approved February 2d, 1833, that the citizens in each congressional township may authorize their school commissioner to sell their school lands to the highest bidder, requiring the purchaser to pay only the interest on the purchase money annually; with leave to report by bill or otherwise.

On motion of Mr. Wilson,

Said resolution was amended by adding after the word "annually," the words "in advance."

Said resolution, as amended, was then agreed to by the House.

Mr. Smith of R. moved the following resolution:

*Resolved*, That the standing committee on military affairs be instructed to enquire into the expediency of so amending the militia laws, that the company musters in April and the battalion musters in May be dispensed with; and that there shall be in the month of October, in each year, one regimental muster in each regiment, one regimental drill muster, and one company muster in each company: and also to enquire into the expediency of exempting by law, men of the age of forty years old and upwards, from performing military services in time of peace; with leave to report by bill or otherwise.

Mr. Vandever moved to amend the same so as to direct the committee to enquire into the expediency of doing away all musters.

Mr. Williams moved to amend said amendment so as to provide for two company musters only in each and every year;

Which motion was decided in the negative.

The question then recurred on the amendment proposed by Mr. Vandever,

And decided in the negative.

Mr. Stanford moved to amend said resolution so as to exempt all persons over the age of 35 years from performing militia duty in time of peace;

Which motion did not prevail.

Mr. Steele moved to amend said resolution so as to provide that the highest fine forfeiture to perform militia duty be one dollar.

Mr. Evans moved to amend said amendment by striking out "one dollar," and inserting in lieu thereof "four dollars;"

Which motion did not prevail.

Mr. Thompson moved to amend said amendment so as to provide that the fine on privates be two dollars and on officers five dollars; when,

On motion of Mr. Smith of F.,

Said resolution and proposed amendment were laid on the table.

On motion of Mr. Wright of P.,

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of providing for the county of Parke twelve additional copies of the Revised Laws of 1831.

On motion of Mr. Evans,

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of requiring the clerks in the several counties in this state to furnish the supervisors of roads within their counties with a list of the delinquents in their respective districts in the payment of taxes, and giving to said supervisors

power to compel said delinquents to work the amount of their state and county revenue on the roads.

On motion of Mr. Yocom,

*Resolved*, That the committee of elections be directed to enquire into the expediency of amending the law respecting contested elections so as to make the contestor responsible for costs, provided he fails in the prosecution of the same; and that they report by bill or otherwise.

Mr. Wallace moved the following resolution:

*Resolved*, That the committee of elections be instructed to enquire into the expediency of so amending the laws regulating general, county, and township elections as to require the boards doing county business to order an additional place of holding elections to be opened at each county seat where the votes usually polled exceed eight hundred.

Mr. Clark moved to amend the same by striking out all after the word "elections," and inserting in lieu thereof the following: "as to confine voters to their respective townships;"

Which motion did not prevail; and,

On the question to adopt said resolution, it passed in the affirmative.

On motion of Mr. Hughes,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of authorizing the several boards of commissioners doing county business in this state, to allow all civil officers a reasonable compensation for travelling out the county where an offence is committed, so that if, by the exertion of the officer, the offender is apprehended; and report by bill or otherwise.

Mr. M'Donald moved the following resolution:

*Resolved*, That the judiciary committee be directed to enquire into the expediency of so amending the act relative to the duties, &c. of justices of the peace, as that in all actions *ex contractu* commenced before such justices, the plaintiff shall not be liable to a non-suit for any mistake in his form of action, provided the plaintiff have so stated his cause of action in writing as that the defendant or defendants be fairly put on their defence; with leave to report by bill or otherwise.

A motion was thereupon made by Mr. Brown of T. to amend said resolution by adding to it the following clause;

"And that no defendant be liable to answer any civil process issued by any justice of the peace out of his own township."

To which motion Mr. Carter objected as out of order, for that a like proposition had been before during the present session overruled by the House.

And the question being thereupon put, shall Mr. Brown of T. have leave to move said amendment?

It passed in the affirmative,



And the question was then put on the adoption of said amendment,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Brackenridge, Brady, Brown of T., Clark, Colerick, Craig, Davenport, Davis, De Pauw, Fairman, Hardesty, Hargrove, Moore, Nichols, Noble, Piercy, Stafford, Vance, Willett, Williams, Wilson, Woodruff, Wright of P. and D. and Yocom—26.

*And those who voted in the negative, are*

Messrs. Bennett, Bigger, Bradbury, Bramwell, Brown of L., Carter, Crume, Dorsey, Dunn, Edwards, English, Evans, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Guion, Howell, Hughes, Huntington, Jones, Kilgore, Kiser, Leslie, Levenworth, McDonald, Monroe, Parker, Pearson, Reid, Smith of F., Smith of K., Smith of R., Stanford, Stuart, Thompson, Thornberry, Vandever, Wallace, Wright of P. and Palmer, Speaker—43.

So said amendment was not adopted.

The question recurring on the adoption of the resolution;

It was thereupon put, and passed in the affirmative;

Mr. Brady moved the following resolution:

*Resolved*, That a select committee be appointed with instructions to enquire into the expediency of authorizing the several boards doing county business in all those counties through which White river runs, to appropriate or lay out so much of the three per cent. fund allotted to their respective counties from time to time as in their discretion may seem equitable and right, for the improving the navigation of said White river, and likewise to make and lay off a river district and order that all the hands living within the same, shall be required to work out their taxes on the river, in the same manner and under the same rules and regulations that other hands are bound to work on state and county roads.

Mr. Huntington moved to amend the same so as to make the reference to the committee on canals and internal improvements in lieu of a select committee;

Which motion passed in the affirmative.

The said resolution was

On motion of Mr. Kiser,

Further amended so as to include in its provisions *both* the White rivers;

And on the question to adopt said resolution as amended, it was carried in the affirmative.

On motion of Mr. Foster,



*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of so amending the revenue law, as to exonerate all persons from paying a poll tax until they have resided within the limits of this state at least twelve months, and report by bill or otherwise.

Mr. Thompson moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the propriety of so amending the 5th section of the act to amend the act entitled an act regulating the practice in suits at law, approved Feb. 4th, 1833, as to authorize the circuit courts in appeal cases from justices of the peace, to permit amendments by either plaintiff or defendant at the cost occasioned thereby, with leave to report by bill or otherwise:

And on the question to adopt the same, it was decided in the negative.

Mr. Davis moved the following resolution:

*Resolved*, That a select committee be appointed to enquire into the propriety of dividing the Michigan road into three districts in place of one, and to elect three Commissioners on said road, with leave to report by bill or otherwise.

Mr. Crume moved to strike out the word "three" where it occurred in said resolution and insert in lieu thereof the word "two;"

Which motion passed in the affirmative.

On motion of Mr. Willett,

Said resolution was further amended so as to refer the enquiry to the committee on roads instead of a select committee,

And the resolution as amended was thereupon agreed to by the House.

On motion of Mr. Moore,

*Resolved*, That a select committee be appointed to enquire into the expediency of repealing "an act to amend an act providing for the erection of a bridge across Rattlesnake creek in Owen county," approved Jan. 22, 1833, and report by bill or otherwise.

*Ordered*, That Messrs. Moore, Dunning and Yocom be that committee.

Mr. Kilgore moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the act relative to crimes and punishment as to permit any defendant who may be committed to the county jail of any county for failing to pay or replevy any fine and costs adjudged against him, to discharge himself from confinement by availing himself of the benefit of the act for the relief of insolvent debtors, after having remained in jail one day for each twelve and a half cents the fine may amount to, with leave to report by bill or otherwise.

Mr. Crume moved to strike out the latter clause thereof after the word "debtors."

Pending that question,

A motion was made by Mr. Thompson to amend said resolution in the aforesaid clause by striking out the words "twelve and a half," and inserting in lieu thereof "fifty."

Which motion passed in the affirmative.

The question recurring on the amendment proposed by Mr. Crume,

It was decided in the negative, and

Before any further question was taken on said resolution,

The House adjourned until to-morrow morning at 9 o'clock.

### WEDNESDAY MORNING, DEC. 11, 1833.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Super ntendant of the western division of the National road in this state, shewing the progress and cost of the construction of that portion of said road;

Which was read, and

On motion of Mr. Huntington,

Referred to the committee on canals and internal improvements.

Mr. Willett moved that five hundred copies of said report be printed for the use of the members of this House;

Which motion did not prevail.

Mr. English presented a petition of Isaiah Blackford and others, praying that a county road leading from Charlestown by Walker's mills in Clark county, Blackford's mill in Scott county, and intersect the State road leading from Lexington to Madison near Mr Burns in Jefferson county, be declared a state road;

Which was read and referred to a select committee of Messrs. English, Wallace and Stuart.

On motion of Mr. Wright of P.,

The vote taken on the reference of a petition presented on the 7th inst. and referred to a select committee of Messrs. Angle, Wright of P. and Hughes, was reconsidered; and

On motion of Mr. Wright of P.,

Said petition was referred to the committee on roads.

Mr. Kilgore presented a remonstrance of James Jones and others, against a change in the Muncietown and Pendleton state road;

Which was read and referred to the committee on roads.

On motion of Mr. Kilgore,

Two petitions offered by himself and laid on the table on the 7th inst., praying a change a part to the Muncietown and Pen-

dleton state road, were taken up, and referred to the committee on roads.

Mr. Moore presented a petition of William Dunning and others, praying an act to authorize the election of a justice of the peace for the town of Gosport in Owen county;

Which was read and referred to the committee on elections.

Mr. Fairman presented a petition of Joseph Garrett and others, citizens of Tippecance county, praying the passage of an act to authorize the citizens of each township to do their own business by electing their own officers, &c.

Which was read and referred to a select committee of Messrs. Fairman, M'Bean, Angle, Steele and Howell.

Mr. Smith of F. from the committee on the Judiciary to which was referred a resolution on that subject, reported a bill to repeal an act entitled an act to prohibit the circulation of bank notes of a denomination less than five dollars, approved Feb. 2, 1832;

Which was read the first time and passed to a second reading.

Mr. Hargrove made the following report:

The committee on claims to which was referred a resolution of this House instructing them to inquire what allowance should be made to Harrison R. Thomas and Valentine Githens for repairing the handrailing in the Representative Hall, on that subject, report the following resolution:

*Resolved*, That the committee of ways and means be directed to allow Harrison R. Thomas and Valentine Githens in the specific appropriation bill, twenty dollars and twenty-five cents for repairs done the handrailing in the Representative Hall.

Mr. Stanford moved to amend said resolution by striking out "\$20 25 cents," and inserting in lieu thereof "\$12;"

Which motion did not prevail.

On the question to adopt said resolution,

It passed in the affirmative.

Mr. Colerick from the select committee to which was referred a petition on that subject, reported a bill to locate a state road from Fort Wayne in Allen county up and along the west side of the little St. Joseph river to the state line on its eastern boundary;

Which was read the first time and passed to a second reading.

The House resumed the consideration of the resolution offered by Mr. Kilgore, pending at the adjournment on yesterday evening, relative to persons imprisoned for non-payment of fine and costs releasing themselves from the county jail on certain conditions.

The question was put, shall said resolution be adopted?

And passed in the affirmative.

Mr. Bramwell moved the following resolution:

*Resolved*, That the committee on military affairs be instructed to enquire into the expediency of so amending the militia law, as



to authorize two additional company musters in each year; one on the fourth of July, and one on the first Saturday in September; and also to enquire into the expediency of imposing the following fines: for neglect of duty for a colonel commandant, neglecting to attend any muster of his regiment or any other meeting of officers or men, where it is made his duty by law to attend, not less than twenty nor more than two hundred dollars. For any lieutenant colonel or major failing to attend any muster or meeting of officers provided for by law, any sum not less than fifteen, nor more than one hundred and fifty dollars. For a captain failing as aforesaid, not less than eight nor more than eighty dollars. For a lieutenant or ensign failing as aforesaid not less than five nor more than fifty dollars. For a non-commissioned officer or musician failing to attend any muster of his corps or discharging any of the duties enjoined on him by law, not less than three, nor more than thirty dollars. For any private, failing or neglecting to attend any muster of his company, during the whole time the same may be on parade, one dollar, for each day he may so fail or neglect, for failing as aforesaid to attend a Battallion muster as aforesaid, not less than one dollar and fifty cents, for failing as aforesaid to attend any Regimental muster as aforesaid, not less than two dollars—with leave to report by bill or otherwise.

Mr. Steele moved to amend the same, by striking out the two company musters, and providing that there be one regimental muster only, in each year.

Mr. Williams moved to amend said amendment so as to provide that the company muster proposed to be on the 4th of July, be on the second Saturday in April.

Mr. Crume moved to postpone the further consideration of said resolution and proposed amendments indefinitely;

Which motion did not prevail.

The question was then put on the amendment proposed by Mr. Williams,

And decided in the negative; when,

On motion of Mr. Bramwell,

Said resolution and proposed amendment were laid on the table.

On motion of Mr. Colerick,

*Resolved*, That the committee on the Judiciary enquire into the expediency of amending the general law, in relation to the location of roads, so as to prescribe some uniform law to govern commissioners, &c. in the location of State roads, and to report by bill or otherwise.

On motion of Mr. Wright of P.,

*Resolved*, That a select committee be appointed to examine and report to this House, the amount and situation of the Wabash fund, and how much of said fund was contributed by certain counties in this state, and also, how said fund has been employed



since the same was created, and that the Agent of the 3 per cent. fund report to this House the situation of the same at present;

Whereupon,

Messrs. Wright of P., Smith of K., Huntington, De Pauw and Hughes were appointed a committee in pursuance of said resolution.

On motion of Mr. Brown of T.,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of establishing a system of Chancellor's or other courts, to whom shall be entrusted all the duties and powers both at law and in chancery, which now belong to the present probate courts.

On motion of Mr. Hardesty,

*Resolved*, That the committee on roads be instructed to enquire into the expediency of so amending the law authorizing boards of commissioners to allow pay to supervisors out of the county treasury, so that they shall be entitled to no other compensation for their services than exemption from militia duty and serving on grand and petit juries, with leave to report by bill or otherwise.

Mr. Craig moved the following resolution:

*Resolved*, That the committee of elections be instructed to enquire into the propriety of so arranging and regulating an act, approved Jan. 17, 1831, allowing as many constables in each township as there are justices of the peace in the same, so as to have as many constables in the county as there are justices of the peace in the county, with leave to report by bill or otherwise.

Mr. Vandever moved to amend the same so as to allow justices of the peace to appoint their own constables.

Mr. Brown of L. moved to amend said amendment so as to give the appointment of constables to the board doing county business instead of allowing justices of the peace to appoint them;

Which motion did not prevail.

The question was then put on the amendment proposed by Mr. Vandever,

And decided in the negative.

Mr. Clark moved to amend said resolution by providing that there shall be no more constables elected in any town or village than there are justices of the peace residing in the same;

Which motion passed in the affirmative.

Said resolution, as amended, was then agreed to by the House.

And then the House adjourned until two o'clock, P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Bennett,

*Resolved*, That the committee of ways and means be instructed

to enquire into the expediency and propriety of providing by law for effecting the object of an imperative clause in the constitution in relation to asylums to accommodate all proper objects of charity throughout the state; with leave to report by bill or otherwise.

On motion of Mr. Dunning,

*Resolved*, That a select committee be appointed to enquire into the expediency of so amending the several sections of the revenue act as relates to the present mode of assessing the taxable property of the several counties, so as to transfer the same to one or more persons in the different townships; whose compensation shall be an exemption from the performance of military duty for the year for which they may be appointed; with leave to report by bill or otherwise.

*Ordered*, That Messrs. Dunning, Guard, and Parker be a committee in pursuance thereof.

Mr. Davis moved the following resolution:

*Resolved*, That the military committee be instructed to repeal the twenty-sixth and twenty-seventh section of an act of eighteen hundred and thirty-one, so that the battalion and company musters shall be in the month of September annually; with leave to report by bill or otherwise.

And on the question to adopt the same,

It was decided in the negative.

Mr. Crume presented for consideration the following resolution:

*Resolved*, That the public printer be directed to print one thousand copies of the journal of the present session of this House for the use of the members of this House; and that the Secretary of State be required to make and append to each journal an explicit index of the several matters contained therein, for which services the Secretary shall be allowed the sum of                      dollars, to be paid out of any moneys in the treasury not otherwise appropriated;

Which was read, and

On motion of Mr. Wallace,

Committed to a committee of the whole house for to-morrow.

Mr. Hardesty moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of changing the present mode of doing county business by commissioners to that of justices of the peace; with leave to report by bill or otherwise.

And on the question, shall said resolution be adopted?

It was decided in the negative.

On motion of Mr. Monroe,

*Resolved*, That a select committee be appointed to enquire into the expediency of so amending the third section of an act approved January 24, 1832, respecting a state road leading from Bedford in Lawrence county via Hammer's mill and Beck's mills in

Washington county, to intersect the Vincennes and New-Albany state road, at or near Greenville in Floyd, so as to authorize the board doing county business to have the same opened according to the intent and meaning of the aforesaid act, as far as respects Washington county: that the committee report by bill or otherwise.

Whereupon,

Messrs. Monree, Parker, and Fields were appointed that committee.

On motion of Mr. Wilson,

*Resolved*, That the committee on roads be instructed to enquire into the expediency of so amending the law regulating the duties of supervisors of roads, as to make it necessary before receiving compensation for their services, that they file before the board doing county business an affidavit, that they have discharged their duties according to law.

On motion of Mr. Piercy,

*Resolved*, That a select committee be appointed to examine into the unfinished business of the last session, and make report thereon.

*Ordered*, That Messrs. Piercy, Smith of R., and Bigger be that committee.

Mr. Kiser moved the following resolution:

*Resolved*, That the judiciary committee be requested to examine into the propriety of so amending the present law, as to exempt such persons as are now compelled to muster, from paying ferriages either going to or returning from muster; and cause the respective regimental treasuries to be bound to pay the ferryman for their services on muster days in case of high water;

Which was read, and

On motion of Mr. Evans,

The same was amended by making the reference to the committee on military affairs instead of the judiciary committee.

Mr. Davis moved to strike out the latter clause of said resolution requiring the ferriages to be paid out of the regimental treasuries;

Which motion was decided in the negative.

The said resolution, as amended, was then agreed to by the House.

On motion of Mr. Levenworth,

*Resolved*, That the committee on military affairs be instructed to enquire into the expediency of exempting minors from performing military duty in time of peace.

Mr. Pearson moved the following resolution:

*Resolved*, That the military committee be instructed to enquire whether any change is desirable in the present military law as respects the number of musters in a year, the age at which persons are required to muster, and the fines imposed for neglect of military duty; with leave to report by bill or otherwise.



Mr. Bennett moved to amend said resolution by striking it out from the resolving clause and substituting a provision that all musters be suspended for one year.

Pending that question,

A motion was made by Mr. Wallace that said resolution and proposed amendment do lie on the table;

Which motion did not prevail.

The question being thereupon put on the amendment proposed by Mr. Bennett, it was decided in the negative.

Mr. Brown of L. moved to amend the resolution by annexing the following:

“And to enquire into the expediency of so amending said law as to fix the time of holding the regimental drill muster in the month of October.”

Mr. Pearson moved to amend said proposed amendment by directing the committee in lieu thereof to enquire *what* time it would be proper to fix such drill muster at;

Which motion passed affirmatively,

And the amendment of Mr. Brown of L., as amended, was then agreed to.

On the question to adopt said resolution as amended, it passed in the affirmative.

On motion of Mr. Howell,

*Resolved*, That a select committee be appointed to enquire whether any, and if any, what amendments are necessary to the act entitled an act regulating the taking up of animals going estray and water crafts and other articles of value adrift, approved February 10th, 1831; with leave to report by bill or otherwise.

Mr. Vandever moved to take up a resolution offered some days since, and laid on the table, relative to an *ad valorem* system of taxation;

Which motion did not prevail.

On motion of Mr. Leslie,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the act entitled an act to provide for the commissioning of sheriffs and coroners and to regulate their duties, approved February 7th, 1824, as to allow jurors empannelled by coroners compensation for their services; with leave to report by bill or otherwise.

Mr. Smith of R. moved the following resolution:

*Resolved*, That the committee of ways and means enquire into the expediency of enacting a law preparatory to an *ad valorem* system of taxation; with leave to report by bill or otherwise.

On motion of Mr. Evans,

*Ordered*, That the same do lie on the table.

On motion of Mr. Craig,

The resolution offered by himself, and laid on the table, on the



6th inst., relative to permitting tavern keepers to collect their debts where they credit any person to a greater amount than one dollar for spiritous or strong liquors, was taken up.

Mr. Angle moved to amend said resolution so as to extend the same privilege to grocery keepers.

On motion of Mr. Smith of P.,

Said resolution and proposed amendment were indefinitely postponed.

Mr. Gookins, after having obtained leave, presented a bill authorizing the commissioners of Vermillion county to appropriate money in the county of Parke;

Which was three times read, (the rules of the House having first been dispensed with,) and passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Willett, after having obtained leave, presented a joint resolution concerning the appointment to office by the General Government within this state;

Which was read the first time, when

Mr. Thompson moved to suspend the rules of the House, and that said joint resolution be read the second time now;

Which motion did not prevail.

*Ordered*, That said joint resolution do pass to a second reading.

Mr. Evans, after having obtained leave, presented a memorial of the Legislature of the state of Indiana to the President of the United States on the subject of the extinguishment of title of the Miami tribe of Indians to land within the said state;

Which was read the first time and passed to a second reading.

Mr. Dunn, after having obtained leave, presented a bill to amend an act entitled "An act for the safe keeping of prisoners under the authority of the U. States in any of the jails of this state, and for other purposes," approved January 21, 1818;

Which was read the first time and passed to a second reading.

Mr. Huntington, after having obtained leave, presented a bill to amend an act making promissory notes, bonds, and inland bills of exchange negotiable and assignable, approved January 27, 1818;

Which was read the first time and passed to a second reading.

Mr. Steele, after having obtained leave, presented a bill to provide for the printing and distribution of the laws of the present session of the General Assembly.

Which was read the first time and passed to a second reading.

Mr. Angle, after having obtained leave, presented a bill incorporating the Wabash manual labour College and teacher's Seminary;

Which was read the first time and passed to a second reading.

Mr. Nichols, after having obtained leave, presented a bill to amend an act entitled "an act to relocate a part of the Martinsville, Danville and Frankford State road, and for other purposes," approved Feb. 2d., 1833.

Which was read the first time and passed to a second reading.

And then the House adjourned until to-morrow morning at 9 o'clock.

## THURSDAY MORNING, DECEMBER 12, 1833.

The House met pursuant to adjournment.

Daniel Kelso, the member elect from the county of Switzerland, and George Baber, the member elect from the county of Green, appeared, produced their credentials, was sworn into office by Caleb Scudder, Esq. and took their seats.

Mr. Huntington presented a petition of Thos. F. G. Adams, praying compensation for transportation of U. S. arms;

Which was read and referred to the committee on claims.

Mr. Dunning presented a petition of Abraham Buskirk and others, citizens of Monroe county, praying an appropriation on the state road from Bloomington to Leesville;

Which was read and referred to the committee on roads.

On motion of Mr. Brady,

The memorial of Geo. Smith, laid on the table on the 7th inst. was taken up and referred to a select committee of Messrs. Brady, Kilgore, Steele, Thompson, and Smith of F.

Mr. Noble moved that Mr. Wallace be added to the same select committee;

Which motion did not prevail.

On motion of Mr. Levenworth,

Mr. Backenridge was added to the committee on canals and internal improvements.

On motion of Mr. Noble,

Mr. Vandever was added to the committee on military affairs.

Mr. Kilgore from the judiciary committee to which was referred a resolution on that subject, reported a bill supplementary to an act entitled "An act relative to crime and punishment," approved February 10th, 1831;

Which was read the first time and passed to a second reading.

Mr. Wright of P. from the committee on roads to which was referred a petition on that subject, reported a bill to establish a state road from Rockville in Parke county to Bowlinggreen in Clay county;

Which was read the first time and passed to a second reading.

Mr. Woodruff from the committee on roads to which was referred a petition on that subject, reported a bill to authorize the location of a state road from Marion county to Spark's ferry in Jackson county;

Which was read the first time and passed to a second reading.

Mr. Dunning from the committee on roads to which was referred a petition on that subject, reported a bill to establish a state road from Bloomington in Monroe county to Morgantown in Morgan county;

Which was read the first time and passed to a second reading.

On motion of Mr. Evans,

Three several resolutions heretofore laid on the table on the subject of assessing and collecting the revenue, were taken up.

On motion of Mr. Huntington,

The resolution first read was so amended as to make the reference to the committee of ways and means instead of a select committee.

Said resolution, as amended, was then adopted.

The other two resolutions were severally read and adopted by the House.

On motion of Mr. Smith of F.,

*Resolved*, That a select committee be appointed with instructions to enquire whether any amendments are necessary to the several laws now in force, regulating the returns of justices of the peace of fines assessed by them; with leave to report by bill or otherwise.

Whereupon,

Messrs. Smith of F., Willett, and Baber were appointed a committee in pursuance of said resolution.

On motion of Mr. Huntington,

Mr. Dunn was added to the committee on canals and internal improvements.

On motion of Mr. Smith of K.,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the eighth section of the act regulating fees and salaries as to give constables the same authority to collect fee bills issuing from the circuit court which is now given to sheriffs and coroners.

On motion of Mr. Gookins,

Whereas, the line between this State and Illinois runs through the tenth range, west of the second principal meridian, so that the inhabitants of said range cannot avail themselves of the laws of this state providing for the sale of the school lands in said range; therefore,

*Resolved*, That a select committee be appointed to enquire what legislation is necessary upon the subject; with leave to report by bill or otherwise.

Whereupon,



**Messrs. Gookins, Clark, and Brown of T. were appointed said committee.**

**On motion of Mr. Willett,**

*Resolved*, That the canal committee enquire into the expediency of so modelling the board of canal commissioners as to dispense with the acting duties of part of the members, except as to the decision of final questions, and during the sessions of the Legislature.

**On motion of Mr. Colerick,**

*Resolved*, That a select committee be appointed to enquire into the expediency of altering the times of holding courts in the eighth judicial circuit; with leave to report by bill or otherwise.

**Whereupon,**

**Messrs. Colerick, M'Bean, and Kelso were appointed a committee in pursuance of said resolution.**

**On motion of Mr. Guion,**

*Resolved*, That the military committee be instructed to enquire into the expediency of so amending the militia law as to make it the duty of the constable who receives the list of fines for collection, to make the same return on each delinquent defendant to the paymaster as is required by law on returning an execution to a justice of the peace; also to allow said collector the same fees as in civil cases, and to repeal the sixty-seventh section of the militia law, approved February 10th, 1831; and report by bill or otherwise.

**On motion of Mr. Pearson,**

The resolution laid on the table on the 3d inst. on the subject of imprisonment for debt, was taken up and adopted by the House.

**On motion of Mr. Stanford,**

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of adding three days to the terms of the circuit court of Henry county.

**Mr. Bigger after having obtained leave presented a joint resolution concerning the state library;**

**Which was read the first time and passed to a second reading.**

**Mr. Dunn after having obtained leave presented a bill to amend an act entitled "An act to incorporate the Indianapolis and Lawrenceburgh rail road company;**

**Which was read the first time and passed to a second reading.**

**Mr. Bennett after having obtained leave presented a bill to legalize the election and proceedings of the trustees of congressional township No. 12, range one, in Union county;**

**Which was read the first time and passed to a second reading.**

**Mr. Willett after having obtained leave presented a bill to facilitate the business of the Legislature;**

**Which was read the first time and passed to a second reading.**

**Mr. Carter after having obtained leave presented a bill to amend an act entitled an act to appropriate part of the three per cent. fund, approved January 31, 1833;**



Which was read the first time and passed to a second reading.

Mr. Dorsey after having obtained leave presented a bill in addition to an act entitled "An act to incorporate the town of New Albany," approved February 3d, 1832;

Which was read the first time and passed to a second reading.

Mr. Huntington after having obtained leave presented a bill to establish a point on the Terre Haute state road;

Which was read the first time and passed to a second reading.

The House then proceeded to consider the orders of the day.

The bill for the relief of Robert W. Todd was read a second time.

Mr. Thompson moved to commit said bill to a committee of the whole House for to-morrow;

Which motion did not prevail.

Mr. Hargrove moved to commit the same to a select committee, with instructions to enquire into the expediency of reporting a general law on the subject of changing the venue in criminal cases;

Which motion was decided in the negative.

Before any farther question was taken on said bill,

The House adjourned until 2 o'clock P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment,

And resumed the consideration of the bill for the relief of Robert W. Todd, pending at last adjournment.

Mr. Smith of R. moved that the further consideration thereof be indefinitely postponed;

Which motion did not prevail.

On motion of Mr. Wallace,

Said bill was amended by inserting after the words "county of Switzerland," the following: "Or such other county as the president judge in vacation or court in term time may direct upon application of said Todd."

On motion of Mr. Huntington,

Said bill was further amended so that the judges of the Ripley circuit court shall recognize the witnesses to appear at the court to which the cause may be sent.

Mr. Thompson moved to further amend said bill by adding to the end of the 1st section the following: "Should said court conceive such change constitutional;"

Which motion did not prevail.

Said bill was then ordered to be engrossed and read a third time to-morrow.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate has passed engrossed bills of the Senate entitled acts as follows, to-wit:

An act to incorporate the Evansville and Lafayette rail road company;

An act for the benefit of William D. Rooker of the county of Marion;

An act authorizing Miles M'Daniel to apply for a writ of ad quod damnum to establish a mill on Big creek in Posey county;

An act for the relief of James M'Coy of Marion county;

An act giving validity to certain contracts; and

An act for the apportionment of a Senator and Representatives in the counties and territories therein named.

In which bills I am instructed to ask the concurrence of the House of Representatives.

The bills named in said message were severally read the first time and passed to a second reading.

The House resumed the consideration of the orders of the day.

The bill to vacate the town of Sarah in the county of Fountain;

The bill to legalize the election of trustees for the Patoka Baptist church in the county of Gibson;

The bill to locate a state road from Mills' mills in Wayne county to the falls of Fall creek in Madison county; and

The bill to locate the Connersville and Brookville state road,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The bill to alter and establish the charter of the town of Richmond, was read the second time, and

On motion of Mr. Steele.

Ordered, That the same do lie on the table.

The bill to amend the act relating to the practice in suits at law, was read the second time, and

On motion of Mr. Huntington, indefinitely postponed.

The bill to repeal an act entitled "An act to prohibit the circulation of bank notes of a denomination less than five dollars," was read the second time.

Mr. Huntington moved to lay the same on the table,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bigger Brackenridge, Brady, Brown of L., Carter, Colerick, Craig, Crume, De Pauw, Dorsey, Dunn, English, Evans, Fairman, Fields, Foster, Fowler, Gookins, Guard, Guion, Hargrove, Huntington, Leslie, M'Bean, M'Donald, Nichols, Smith of K., Smith of R., Snapp, Stafford, Stuart, Vance, Vandever, Wallace, Wright of P. and D., Yocom, and Palmer, Speaker—40.

*And those who voted in the negative, are*

Messrs. Bennett, Bradbury, Bramwell, Brown of T., Clark. Davenport, Davis, Dunning, Edwards, Ferguson, Hardesty, Howell, Hughes, Jones, Kelso, Kilgore, Leverworth, Monroe, Moore, Noble, Parker, Pearson, Piercy, Reid, Smith of F., Stanford, Steele, Thompson, Thornberry, Willett, Williams, Wilson, Woodruff, and Wright of P.—34.

So said motion passed in the affirmative;

And the House adjourned until to-morrow morning at 9 o'clock.

## FRIDAY MORNING, Dec. 13, 1833.

The House met pursuant to adjournment.

Mr. Dunn presented a petition of Jabez Percival, on behalf of the Lawrenceburgh bridge company, praying a change in the act of said incorporation;

Which was read and referred to the committee on the judiciary.

Mr. Wallace presented a petition of William Dutton and others, praying an extension of the incorporation of the town of Madison;

Which was read and referred to a select committee of Messrs. Wallace, Bramwell and Kelso.

Mr. Nichols presented a petition of W. W. Matlock and others, praying a relocation of part of the state road leading from Moorsville to Crawfordsville;

Which was read and referred to the committee on roads.

Mr. Thompson from the judiciary committee to which was referred a resolution on that subject, reported a bill to amend an act entitled an act regulating divorcees, approved Jan. 17, 1831;

Which was read the first time and passed to a second reading.

Mr. Willett made the following report:

The committee on education to which was referred the resolution of this House requiring an enquiry into the expediency of repealing a part of the act to incorporate the Monroe county Female Seminary; upon a slight consideration of the subject, have found the enquiry to be local in its character, affecting no principle common to the cause of education, and deem it inexpedient to Legislate thereon;

Which was read, and

On motion of Mr. Dunning,

Committed to a select committee of Messrs. Dunning, Kiser and Moore.



Mr. Hargrove made the following report:

The committee on claims to which was referred the communication of Amos Clark on that subject, reported the following resolution:

*Resolved*, That the committee of ways and means be directed to allow Amos Clark in the specific appropriation bill, fifteen dollars for his services in attending the Pike county circuit court as Prosecuting Attorney *pro tem.* at its term in April, 1833;

Which was read and concurred in by the House.

Mr. Steele made the following report:

The committee on roads to which was referred the petition of Daniel Taylor and others, for the review of a certain state road therein named, together with the remonstrance of James D. Geduey and others, accompanied with a plan of said road and sundry other papers, have had the same under consideration and have instructed me to report it inexpedient to legislate on the same at this time.

Mr. Steele from the committee on roads to which was referred a petition on that subject reported a bill to vacate a part of a state road therein named;

Which was read the first time and passed to a second reading.

Mr. English from the select committee to which was referred a petition on that subject, reported a bill to locate a certain state road therein named;

Which was read the first time and passed to a second reading.

Mr. Dunning from the select committee to which was referred a petition on that subject, reported a bill for the relief of sundry citizens of Monroe county;

Which was read the first time and passed to a second reading.

Mr. Colerick from the select committee to which was referred so much of the Governor's message as relates to that subject, reported a bill for the apportionment of a Senator and Representatives in certain counties and territories therein named;

Which was read the first time and passed to a second reading.

Mr. Thompson from the select committee to which was referred a petition on that subject, reported a bill to authorize the trustees of Charlestown to lay off a certain street in said town;

Which was read the first time and passed to a second reading.

Mr. Dunning after having obtained leave presented a bill to amend the act authorizing the loaning of the Seminary funds, approved Jan. 24, 1828;

Which was read the first time and passed to a second reading.

On motion of Mr. Leslie,

*Resolved*, That the judiciary committee be instructed to en-



quire into the expediency of so amending an act entitled, "an act to amend an act entitled an act dividing the the state into judicial circuits, and fixing the times of holding courts therein, approved Feb. 10, 1831, as to authorize the said circuit courts to sit two weeks in the counties where the business may require it, with leave to report by bill or otherwise;

On motion of Mr. Stuart,

*Resolved*, That the Governor be requested to lay before this House the reports of the present year, of the visiter to the state prison, appointed agreeably to the 9th section of the act entitled an act for the regulation of the state prison.

On motion of Mr. Howell,

*Resolved*, That a select committee be appointed to enquire into the expediency of memorializing Congress, for the passage of an act for the gradual reduction of the price of the public lands, where the same shall have been a reasonable time unsold in market, under such regulations as will encourage actual settlers, prevent speculation, and best comport with the public interest, with leave to report by joint memorial or otherwise:

Whereupon,

Messrs. Howell, Brackenridge, Willett, De Pauw and Fairman were appointed a committee in pursuance of said resolution.

On motion of Mr. Hughes,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of allowing witnesses mileage for each and every mile they travel, over and above the first four miles next to the place where they are subpoenaed to attend, and they shall have four cents per mile, and report by bill or otherwise.

On motion of Mr. Wright of P.,

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of amending the act to provide for the inspection of salt, beef and flour, approved Jan. 24, 1829, so as to authorize the boards doing county business in the several counties to appoint an inspector of whiskey, with leave to report by bill or otherwise.

On motion of Mr. Foster,

*Resolved*, That the committee of ways and means be requested to enquire whether any amendment of the present revenue law is necessary, so as to compel collectors of taxes to receive from any individual or individuals certificates of jurors in payment of tax due such county; and report by bill or otherwise.

Mr. Fields moved the following resolution:

*Resolved*, That the committee on military affairs be instructed to enquire into the expediency of so amending the military laws as to change the time of holding company muster to the first Saturday in March of each year, and the battalion musters to be in the month of March in each year, and so change the time of hold-

ing the drill muster to be in the month of October in each year and report by bill or otherwise.

And on the question to adopt the same, it was decided in the negative.

Mr. Colerick moved the following resolution:

*Resolved*, That a select committee be appointed to enquire into the expediency of so amending the present laws in relation to the killing of wolves, as to extend the benefits of the provisions of said laws to persons killing prairie wolves.

Mr. Wallace moved to amend the same so as to instruct the committee to enquire into the expediency of repealing all laws allowing a premium on wolf scalps;

Which motion passed in the affirmative.

On motion of Mr. Colerick,

Said resolution was laid on the table.

On motion of Mr. Moore,

*Resolved*, That the committee on education be instructed to enquire into the expediency of memorializing Congress for a reduction of the price of the refuse lands within the limits of this state, and make report thereon.

On motion of Mr. Wilson,

*Resolved*, That a select committee be appointed to enquire into the expediency of so amending the law prescribing the mode of doing county business, as to provide for such counties as may choose to accept of the same, a change from county commissioners to the justices of the peace, with leave to report by bill or otherwise;

Whereupon,

Messrs. Wilson, Dunning, Carter and Vanderveer were appointed a committee in pursuance thereof.

On motion of Mr. Smith of F.,

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the act regulating county seminaries, as to repeal that part of said act which requires a majority of the voters of the county to vote for seminary trustees in order to render the election of such trustees valid, with leave to report by bill or otherwise.

Mr. Craig moved the following resolution:

*Resolved*, That a select committee be appointed to enquire into the expediency of instructing our Senators and requesting our Representatives in Congress, to so amend the law regulating and defining the duties of the Registers in the several Land Offices in this state as to compel them to give a duplicate to the several clerks in the several counties in this State, of all the lands entered, up to the 30th Dec. 1833, and annually thereafter, with leave to report by memorial or otherwise.

On motion of Mr. Angle,

Said resolution was ordered to lie on the table.

On motion of Mr. Thompson,

*Resolved*, That the judiciary committee be instructed to enquire into the propriety of so amending the act to provide for the commissioning of sheriffs and coroners, and regulating their duties, so as to authorize sheriffs and coroners to execute subpoenas on witnesses, and summonses on jurors by copy, and that they report by bill or otherwise.

On motion of Mr. Thompson,

The vote taken yesterday to postpone indefinitely the bill to amend the act regulating the practice in suits at law, was reconsidered;

Whereupon,

Mr. Huntington withdrew his said motion to postpone.

On motion of Mr. Thompson,

Said bill was committed to a committee of the whole House for to-morrow.

On motion of Mr. M'Donald,

*Resolved*, That a select committee be appointed to enquire and report to this House the cause why the members of this House have not each been furnished with the proper number of copies of the Governor's message, and other public documents heretofore ordered to be printed and furnished;

Whereupon,

Messrs. M'Donald, Hardesty and Baber were appointed said committee.

Mr. Kilgore moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending an act entitled, "an act to license and regulate taverns and groceries, approved February 3d, 1833, as to permit the people of each township at their April election in each year, to determine by ballot whether any person or persons shall be licensed to retail spiritous liquors in their respective townships and to determine how many shall be licensed in case they are in favor of any.

Mr. Steele moved to amend the same so as to provide that the election be at the regimental muster *viva voce* instead of at the April election.

Mr. Craig moved to amend said amendment by adding thereto the following:

"And also to decide whether the farmers or any other person shall sell rye or corn to the distillers of ardent spirits in said township.

On motion of Mr. Reid,

Said resolution and proposed amendments were ordered to lie on the table.

Mr. Wallace moved the following resolution:

*Resolved*, That it shall be observed as an order of business in this House during the present session, that not more than one hour of each day shall be occupied in the introduction and discussion of resolutions, and at 3 o'clock P. M. each day the orders



of the day shall be taken up, unless otherwise directed by a vote of the House.

On motion of Mr. Bigger,

Said resolution was amended by striking out "3 o'clock" and inserting in lieu thereof "2 o'clock."

Said resolution as amend was then agreed to.

Mr. Crume moved the following resolution:

*Resolved*, That a select committee be appointed and directed to enquire if any, and if any, what amendments are necessary to the laws now in force regulating mills and millers, and whether twenty-five cents would not be an ample compensation for grinding and packing flour.

Mr. Willett moved to lay said resolution on the table;

Which motion did not prevail.

On the question to adopt the same, it passed in the affirmative;

Whereupon,

Messrs. Crume, Bigger and Clark were appointed a committee in pursuance thereof.

On motion of Mr. Clark,

*Resolved*, That a select committee be appointed to examine into the constitutionality by the 1st article and the 1st section of the constitution, likewise by the 18th section of the same, as relates to restricting the right of the citizens of Indiana, and report to this House what legislation is necessary on that subject;

Whereupon,

Messrs. Clark, Kelso, Vandever, Pearson and M'Donald were appointed a committee in pursuance of said resolution.

On motion of Mr. Bigger,

*Resolved*, That the judiciary committee be instructed to enquire if any, and what enactments are necessary to give effect to the 14th section of the 11th article of the constitution, with leave to report by bill or otherwise.

Mr. Nichols moved the following resolution:

*Resolved*, That the committee on roads be instructed to enquire into the expediency of so amending the present road law as to exempt regular ordained preaches of the gospel from working thereon, with leave to report by bill or otherwise.

Mr. Noble moved to amend the same by inserting after the word "gospel" these words, "doctors of medicine and lawyers."

Mr. Stanford moved to lay said resolution and proposed amendments on the table;

Which motion did not prevail.

On motion of Mr. Carter,

Said resolution and proposed amendments were indefinitely postponed.

Mr. Wallace after having obtained leave presented a joint resolution relative to the Tippecanoe battle ground;

Which was read the first time and passed to a second reading.



And then the House adjourned until two o'clock, P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

The House proceeded to consider the orders of the day.

The bill to locate a state road from Fort Wayne in Allen county up and along the west side of the little St. Joseph river to the state line on its eastern boundary;

Was read the second time and ordered to be engrossed and read a third time to-morrow.

The joint resolution concerning the appointment to office by the General Government within this state;

Was read a second time and committed to a committee of the whole House for to-morrow.

The memorial of the Legislature of the State of Indiana, to the President of the United States, on the subject of extinguishment of the title of the Miami tribe of Indians to land within the said state;

Was read a second time.

Mr. Wright of P. moved to commit it to the select committee to which was referred so much of the Governor's message as relates to Indian lands.

Mr. Brown of T. moved to lay the said memorial on the table;

Which motion did not prevail.

And said memorial was then committed as proposed by Mr. Wright of P.

The bill to amend an act entitled "an act for the safe keeping of prisoners under the authority of the United States in any of the jails of this state and for other purposes, approved Jan. 21, 1818;

The bill to locate a state road from Marion county to Sparks' Ferry in Jackson county;

The bill to establish a state road from Bloomington in Monroe county to Morgantown in Morgan county;

The bill to amend an act entitled "an act to incorporate the Lawrenceburgh and Indianapolis rail road company;

The bill to legalize the election and proceedings of the trustees of congressional township No. 12 in range 1 in Union county;

The bill to facilitate the business of the Legislature;

The bill to amend an act entitled "an act to appropriate part of the 3 per cent. fund," approved Jan. 3, 1833, and

The bill in addition to an act entitled "an act to incorporate the town of New Albany," approved Feb. 3, 1832;

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The bill to amend an act making promissory notes, bonds and

inland bills of exchange negotiable and assignable, approved Jan. 29, 1818.

The bill to provide for the printing and distribution of the laws of the present session of the General Assembly;

The joint resolution concerning the state library;

The bill to establish a point in the Frederickburgh and Terre Haute state road;

The engrossed bill of the Senate giving validity to certain contracts, and

The engrossed bill from the Senate for the apportionment of a Senator and Representatives in the counties and territories therein named;

Were severally read the second time and committed to a committee of the whole House for to-morrow.

The bill for incorporating the Wabash manual labour college and teacher's seminary;

Was read the second time and committed to a select committee of Messrs. Angle, Vance and Hughes.

The bill to amend an act entitled "an act to relocate a part of of the Martinsville, Danville and Frankfort state road and for other purposes," approved Feb. 2d, 1833;

Was read the second time.

On motion of Mr. Nichols,

The same was amended by inserting the name of "James Parks" as commissioner in lieu of "Dickerson Thompson" and by adding to the bill the following clause, viz:

"And the said commissioner be allowed to retain in his hands the sum of one dollar per day for his services while employed in relocating the said road."

The said bill was then ordered to be engrossed and read a 3d time to-morrow.

The bill supplementary of an act entitled "an act relative to crime and punishment," approved Feb. 10, 1831;

Was read the second time, and

On motion of Mr. Thompson,

Laid on the table.

The bill to establish a state road from Rockville in Parke county to Bowlinggreen in Clay county, was read the second time.

On motion of Mr. Wright of P.,

The same was amended by the addition of a section as follows:

"Sec. 7. Should said commissioner refuse to qualify, die, or otherwise fail to perform the duties herein assigned him, the board doing county business in the county of Parke shall fill such vacancy;"

And then it was

Ordered, That said bill be engrossed and read a third time to-morrow.

Engrossed bills from the Senate of the following titles, viz:

An act to incorporate the Evansville and Lafayette rail road company;

An act authorizing Miles M'Daniel to apply for a writ of ad quod damnum to establish a mill on Big creek, in Posey county; and

An act for the relief of James M'Coy of Marion county,

Were severally read the second time and ordered to be read a third time to-morrow.

The engrossed bill from the Senate for the benefit of William D. Rooker of the county of Marion, was read the second time and committed to a select committee of Messrs. Brady, Dunn, and Nichols.

The engrossed bill for the relief of John Hollowell, senr., was read the third time, amended by unanimous consent, and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill for the relief of Robert W. Todd was read the third time, and

On the question, shall the bill pass?

The ayes and noes being requested by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Crume, Davenport, Davis, Dorsey, Dunn, Dunning, Edwards, English, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Hardesty, Howell, Hughes, Huntington, Jones, Kilgore, Leslie, Levenworth, M'Bean, Monroe, Moore, Nichols, Noble, Parker, Pearson, Piercy, Reid, Smith of F., Smith of K., Snapp, Stafford, Stanford, Steele, Stuart, Thornberry, Vance, Vandever, Wallace, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D., Yocom and Palmer, Speaker—62.

*And those who voted in the negative, are*

Messrs. Beem, De Pauw, Guion, Hargrove, M'Donald, Smith of R., Thompson, and Willett—8.

So said bill passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence;

And then the House adjourned until to-morrow morning at 9 o'clock.



SATURDAY MORNING, DECEMBER 14th, 1833.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Morrison, their Assistant Secretary:

MR. SPEAKER,

The Senate has passed a joint resolution on the subject of divorces, in which I am instructed to ask the concurrence of the House of Representatives.

The joint resolution named in said message was read a first time, and passed to a second reading.

The Speaker laid before the House the following communication from the Governor, with the accompanying documents named therein.

EXECUTIVE DEPARTMENT, }  
Indianapolis, 14th Dec. 1833. }

*The Hon. N. B. Palmer, Speaker of the House of Representatives:*

The report of the visiter to the State Prison, called for by a resolution of the House on yesterday, I have the honor to transmit herewith.

Since the close of the session of the last legislature, I have received sundry resolutions from other states expressing their views upon various subjects presented for the consideration of the states of the confederacy; which I also lay before you. Of these, those numbered from 1 to 9 are from Massachusetts, Maine, New-Jersey, Virginia, New-York, Maryland, Ohio, Alabama, and New-Hampshire, relating to the late proceedings in South Carolina. The one marked A. is from the legislature of Delaware, proposing a better organization of the militia under the auspices of the general government. That marked B. is from Missouri, in answer to the call made by the state of Georgia for a Convention. C. is from Massachusetts on the same subject. Those marked D. and E. from Pennsylvania and Massachusetts, propose a suppression of the sale of lottery tickets; and the one marked F. is from Connecticut relating to the tariff, internal improvement, and to the call for a Convention as made by the state of Georgia.

N. NOBLE.

The report of the visiter to the State Prison named in said communication was read, and referred to the committee on the affairs of the state prison.

The said documents marked 1 to 9 inclusive, were ordered to lie on the table.

The said document marked A. was read, and referred to the committee on military affairs.

The documents marked B. C. D. E. and F. named in said communication were severally read, and laid on the table.

On motion of Mr. Reid,

The petition of sundry revolutionary soldiers, citizens of Franklin county, on the subject of a removal of the pension office, and laid on the table on the 10th inst. was taken up, and referred to a select committee of Messrs. Reid, Evans, and Bennet.

Mr. Huntington presented a petition of Robert M. Evans and others, praying among other things a memorial to congress on the subject of public hospitals to be erected at Evansville, and other points on the Mississippi and Ohio rivers;

Which was read, and referred to a select committee of Messrs. Huntington, Brackenridge, Craig, Levenworth, and Guard.

Mr. Kilgore presented a petition of Edward Marshall and others, praying the location of a state road from Munceytown to Fort Wayne: which was read and

On motion of Mr. Steele,

Referred to a select committee of Messrs. Kilgore, Edwards, and Colerick.

Mr. Thornberry presented a petition of Samuel Shute and others, citizens of Wayne county, praying the passage of a law levying a tax on dogs; which was read, and referred to a select committee of Messrs. Bradbury, Thornbury, Steele, Piercy, and Davenport.

Mr. Steele presented a remonstrance of sundry persons against the last named petition; which was read, and referred to the same select committee last named.

Mr. Wallace presented a petition of William C. Bramwell, praying compensation for services rendered as road commissioner; which was read, and referred to the committee on claims.

Mr. Colerick presented a petition of Samuel Lewis and others, praying the location of a state road from Munceytown to Fort Wayne; which was read, and referred to the same select committee to which was heretofore referred a petition on the same subject.

On motion of Mr. Smith, of B., Mr. Kelso was added to the committee on military affairs.

On motion of Mr. Dunning, Messrs. Hardesty, Piercy, and Nichols were added to the select committee to which was referred a resolution on the subject of changing the mode of doing county business in the several counties in this state.

On motion of Mr. Wilson, Messrs. M'Bean and Leslie were added to the committee last named.

On motion of Mr. Vandever, Mr. Evans was added to the committee on military affairs.

On motion of Mr. Brackenridge, Messrs. Evans, and Brown of T., were added to the select committee to which was referred the petition presented this morning by Mr. Huntington on the subject of national hospitals on the Mississippi and Ohio rivers.

On motion of Mr. Steele, Mr. Evans was added to the committee to which was referred the petition presented this morning, by Mr. Thornberry, on the subject of protecting the wool growing interest.

On motion of Mr. Evans, Mr. Kilgore was added to the committee last named.

On motion of Mr. Eaans. Mr. Baber was added to the committee on roads.

On motion of Mr. Howell, Mr. Levenworth was added to the committee on canals and internal improvements.

Mr. Smith, of F., from the committee on the judiciary, to which was referred a resolution on that subject, reported a bill to prevent the sale of ardent spirits to the Indians, and to repeal an act entitled "an act to prevent the sale of ardent spirits to the Indians," approved February 3d, 1833; which was read the first time, and passed to a second reading.

Mr. Dunning, from the committee on education, to which was referred a petition on that subject, reported a bill for the relief of William Clark, of Monroe county; which was read the first time, and passed to a second reading.

Mr. Brackenridge, from the select committee to which was referred a petition on that subject, reported a bill authorizing Moses & Job Matthews & Co. to erect a mill dam across Little Pigeon creek, and for other purposes; which was read the first time, and passed to a second reading.

Mr. Dunn, from the select committee to which was committed the engrossed bill from the Senate for the relief of William D. Rooker, of Marion county, reported the same with one amendment; which was read, and concurred in by the House.

Said bill was then read a second time; said amendment ordered to be engrossed, and the bill read a third time on Monday next.

Mr. Piercy made the following report:

The select committee to whom was referred a resolution respecting the unfinished business of the last session, have instructed me to report a bill numbered 46, entitled a bill supplemental to an act to establish a college in the state of Indiana, and recommend that said bill be referred to a select committee. And the committee asks further time to report on the remaining unfinished business of the last session.

Which report was read, and concurred in.

Ordered, That Messrs. Piercy, Bigger, and Dunning be a committee in pursuance thereof.

On motion of Mr. Vandever,.

Resolved, That a select committee be appointed to enquire into the expediency of amending "an act to provide for the sale of certain lands therein named," approved February 2d, 1833; so far as relates to the French Lick reserve, in Orange county, with leave to report by bill or otherwise.



*Ordered*, That Messrs. Vandever, Carter, and Fields be a committee in pursuance thereof.

On motion of Mr. Brown, of T.,

*Resolved*, That a select committee be appointed to enquire into the expediency of memorializing Congress for appropriations, in land or money, to remove obstructions in the navigation of the Wabash and Whiterivers, with leave to report by bill or otherwise.

Whereupon, Messrs. Brown, of T., Willett, McDonald, Evans, and Brady were appointed said committee.

On motion of Mr. Kelso,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of extending the jurisdiction of justices of the peace, in cases of trespass and replevin, to fifty dollars; with leave to report by bill or otherwise.

On motion of Mr. Evans,

*Resolved*, That the resolution heretofore adopted on the subject of furnishing paper to the members of this House, be extended to the clerks thereof.

On motion of Mr. Wright, of P.,

*Resolved*, That the committee on claims be instructed to enquire into the expediency of allowing Paris C. Dunning the sum of fifteen dollars for his services as prosecuting attorney during the April term of the Monroe circuit court, 1833.

Mr. Thompson moved the following resolution:

*Resolved*, That the judiciary committee be allowed the exclusive occupancy of one equal portion of the Representative Hall, including the fire-place in the west end thereof, on the evenings of Monday, Wednesday, and Friday in each week, during the present session, for the purpose of committee deliberations.

On motion of Mr. Angle, the same was amended, by adding thereto the following: "after Wednesday of next week."

Said resolution, as amended, was then agreed to.

On motion of Mr. Dunn, the House then proceeded to consider bills on their third reading.

Engrossed bills of the following titles, to wit:

A bill to vacate the town of Sarah, in the county of Fountain;

A bill to legalize the election of trustees of the Patoka baptist church of the county of Gibson;

A bill to locate a state road from Mill's mills, in Wayne county, to the falls of Fall creek, in Madison county;

A bill to locate the Connersville and Brookville state road;

A bill to locate a state road from Fort Wayne, in Allen county, up and along the little St. Joseph river to the state line on its eastern boundary;

A bill to amend an act entitled "an act for the safe keeping of prisoners under the authority of the United States into any of the jails of this state, and for other purposes," approved January 21, 1818;

A bill to amend an act entitled "an act to re-locate a part of the Martinsville, Danville, and Frankfort state road, and for other purposes," approved February 2d, 1833;

A bill to establish a state road from Rockville, in Parke county, to Bowling Green, in Clay county;

A bill to authorize the location of a state road from Marion county to Spark's ferry, in Jackson county;

A bill to establish a state road from Bloomington, in Monroe county, to Morgantown, in Morgan county;

A bill to amend an act entitled "an act to incorporate the Lawrenceburgh and Indianapolis rail road company;

A bill to legalize the election and proceedings of the trustees of congressional township number 12, range 1, in Union county;

A bill to facilitate the business of the legislature;

A bill to amend an act entitled "an act to appropriate part of the 3 per cent. fund," approved January 31, 1833; and,

A bill in addition to an act entitled "an act to incorporate the town of New Albany," approved February 3d, 1832;

Were severally read the third time, and passed.

*Ordered*, That they be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

Engrossed bills from the Senate of the following titles, to wit:

An act to incorporate the Evansville and Lafayette rail road company;

An act authorizing Miles M'Daniel to apply for a writ of *ad quod damnum* to establish a mill on Big creek, in Posey county; and

An act for the relief of James M'Coy, in Marion county;

Were severally read a third time, and passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Smith, of R., moved the following resolution:—

*Resolved*, That the standing committee on education be instructed to enquire if a law is necessary to be passed providing a mode of relief for resident citizens of this state, whose lands or town lots may have been double listed and returned by the collector of any county to the school commissioner thereof, as non-resident lands or town lots by their numbers—and to provide by law a mode that such mistakes and false enlistments may be corrected before return shall be made; with leave to report, &c.

On motion of Mr. Wallace, the same was amended by striking out the words "on education" and inserting in lieu thereof "of ways and means."

Said resolution, as amended, was then agreed to.

On motion of Mr. Bramwell,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the 4th section of an act to regulate marriages, approved February 4, 1831, as to leave the damages imposed on clerks for issuing marriage license to minors living within this state, to the sound discretion of the court, or jury trying the case—with leave to report by bill or otherwise'

Mr. Piercy moved the following resolution:

*Resolved*, That a select committee be appointed to enquire into the expediency of repealing the third section of an act, passed February 2d, 1833, in relation to interest on loaned money, and so much of the first section of said law as allows the taking more than six per cent. per annum; and report by bill or otherwise.

On motion of Mr. Steele,

*Ordered*, That said resolution do lie on the table.

And the House adjourned until Monday morning, at 9 o'clock.

## MONDAY MORNING, Dec. 16, 1833.

The House met pursuant to adjournment.

The Speaker laid before the House returns of congressional elections from the clerks of the counties of Lagrange, Elkhart, Spencer, and Boon;

Which were read and referred to the committee of elections.

Mr. Brown of T. presented a petition of Barret Timmons and others, citizens of Warren county, praying that a portion of the territory of said county be attached to the county of Tippecanoe;

Which was read and referred to a select committee of Messrs. Brown of T., Clark, and M'Bean.

Mr. Colerick presented a petition of Henry Hostetler and others, praying the formation of a new county;

Which was read and referred to a select committee of Messrs. Angle, Fairman, Kilgore, Edwards, and Davenport.

Mr. Colerick presented a petition of Lewis W. Murphy and others, praying the formation of a new county;

Which was read and referred to the select committee last named.

Mr. Colerick presented a remonstrance of Hugh Alison and others, against the prayer set forth in the last named petition;

Which was read and referred to the same committee.

Mr. Smith of R. presented three several petitions of sundry citizens of the counties of Scott, Jefferson, Ripley, and Dearborn, praying the location of a state road from the town of Lexington in Scott county, passing certain points therein named, to the town of Harrison on the line dividing this state from Ohio;

Which were read and referred to the committee on roads.

The Speaker laid before the House the following communication from the Governor:

EXECUTIVE DEPARTMENT, }  
Indianapolis, Dec. 14th, 1833. }

The Hon. N. B. PALMER,

*Speaker of the House of Representatives:*

SIR—Douglass Maguire, Esq. is authorized to make commu-



munications from this Department to that branch of the Legislature over which you preside.

Respectfully,  
N. NOBLE.

Mr. Crume made the following report:

The committee of ways and means to whom was referred a resolution directing them to enquire into the propriety of providing by law for effecting the object of an imperative clause in the constitution in relation to asylums to accommodate all proper objects of charity throughout the state, have had that subject under consideration, and a majority of said committee have directed me to report that in their opinion it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of that matter;

Which was read and concurred in by the House.

Mr. Wright of P. from the select committee to which was referred a resolution on that subject, reported a bill to amend an act entitled an act to provide for the inspection of salt, beef, and flour, approved January 24, 1829;

Which was read the first time and passed to a second reading.

Mr. De Pauw from the committee of ways and means to which was referred a resolution on that subject, reported a joint resolution requiring the Secretary of State to furnish the county of Parke with eight copies of the revised code of 1831;

Which was read the first time and passed to a second reading.

Mr. Stanford made the following report:

The committee of ways and means to which was referred a resolution of this House directing them to enquire into the expediency of requiring the clerks in the several counties in the state to furnish the supervisors of roads within their counties with lists of the delinquents in their respective districts in the payment of taxes; and of giving to said supervisors power to compel said delinquents to work the amount of their state and county revenue on the roads, have had the subject under consideration and have directed me to report that in their opinion it is inexpedient to legislate on that subject at this time;

Which was read and concurred in.

Mr. Davis made the following report:

The committee of ways and means to which a resolution of this House was referred on the subject of releasing all persons from a poll tax until they have resided one year in the state, have accordingly had the same under consideration and have directed me to report that it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of that subject;

Which was read and concurred in by the House.

Mr. Hargrove made the following report:

The committee on claims to which was referred the petition of Thomas F. G. Adams, praying the re-payment of money by him

expended in the transportation of public arms, have according to order had the same under their consideration, and are of opinion that the 93d section of an act entitled an act to organize and regulate the militia of the state of Indiana, approved February 10th, 1831, makes ample provisions for the relief of said petitioner, and that it is inexpedient to legislate on that subject at this time, and therefore ask to be discharged from the further consideration of the same;

Which was read and concurred in by the House.

Mr. Fowler from the select committee to which was referred a petition on that subject, reported a bill to locate a state road from the Michigan road to Vernon,

Which was read the first time and passed to a second reading.

Mr. McDonald from the select committee to which was committed the memorial and joint resolution relative to the Louisville and St. Louis mail route, reported the same back with sundry amendments;

Which were read and concurred in.

*Ordered*, That said memorial and joint resolution be engrossed and read a third time to morrow.

Mr. Danning from the select committee to which was referred a resolution on that subject, reported a bill to amend an act entitled "an act to incorporate the Monroe county female seminary;" which was read the first time and passed to a second reading.

Mr. Moore from the select committee to which was referred a resolution on that subject, reported a bill to amend an act entitled "an act to appropriate part of the three per cent. fund and for other purposes," approved February 10th, 1831;

Which was read the first time and passed to a second reading.

On motion of Mr. Bigger,

*Resolved*, That the committee on education be instructed to enquire into the propriety of so amending the act entitled "an act incorporating congressional townships and providing for public schools therein," approved February 2d, 1833, as to alter the present mode of distributing the school funds to the several school districts and prevent those districts first organized from drawing the whole of the interest of the school fund; with leave to report by bill or otherwise.

On motion of Mr. Evans,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of giving to courts of chancery jurisdiction upon bill filed, to subject to payment of debts, any chose in action or equitable title to real estate of the debtor, when it shall be made appear to the satisfaction of the said court of chancery by a return of fieri facias or otherwise, that said debtor has not property sufficient subject to execution to pay the debt; and that said committee report by bill or otherwise.

On motion of Mr. Kelso,

*Resolved*, That a select committee be instructed to enquire into

the expediency of so amending the militia law as to make it the duty of the judge advocate of each regiment, (after the assessment of fines in said regiment,) to file a list of said assessed fines with some justice of the peace within the bounds of their several regiments to be proceeded on and collected by said justice, as in civil cases; with leave to report by bill or otherwise.

Whereupon,

Messrs. Kelso, Angle, and Guard were appointed said committee.

Mr. Smith of F. moved the following preamble and resolution:

Whereas, it has been represented to the members of this House that Dr. Blythe, President of Hanover college in this state, has in his possession a plan for the improvement of common schools, and to facilitate the efforts of teachers in such schools, with which it would be desirable for the members of this House to become acquainted: Therefore, in order to give the said Dr. Blythe an opportunity to address the members of this House as well as others,

*Resolved*, That when this House adjourns on to-morrow morning it will adjourn until Wednesday morning at 9 o'clock, and that the use of the Representatives' Hall be granted to Dr. Blythe, on to-morrow afternoon, for the purpose of delivering an address.

On motion of Mr. Thompson,

Said resolution was amended by striking out the word "morning," and inserting in lieu thereof the word "noon."

Mr. Willett moved further to amend the same by striking out the preamble.

Mr. Smith of R. moved to lay the resolution and proposed amendment on the table;

Which motion did not prevail.

The question was then put on the proposition of Mr. Willett, And decided in the negative.

Mr. Carter moved to postpone the further consideration of said preamble and resolution indefinitely;

Which motion did not prevail.

Mr. Wallace moved to amend the same by striking out the preamble and the resolution from the resolving clause and substituting the following in lieu thereof:

"That the House tender to the Revd. James Blythe the use of their hall on Thursday evening next at 6 o'clock, to hear an address on the subject of education, and that a committee be appointed to inform him thereof;"

Which motion did not prevail.

The question was then put, shall said resolution be adopted?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bigger, Brown of L., Brown of T., De Pauw, Dunn, Dunning, Evans, Fairman, Fields, Gookins,



Guard, Guion, Hughes, Huntington, Kelso, M'Bean, Monroe, Pearson, Smith of F., Smith of K., Snapp, Steele, Stuart, Thompson, Willett, Wright of P., and Palmer, Speaker—31.

*And those who voted in the negative, are*

Messrs. Bennett, Brackenridge, Bradbury, Bramwell, Carter, Clark, Craig, Crume, Davis, Dorsey, Edwards, Ferguson, Foster, Fowler, Hardesty, Hargrove, Howell, Jones, Kilgore, Kiser, Leslie, Levenworth, M'Donald, Moore, Noble, Parker, Piercy, Reid, Smith of R., Stanford, Vance, Vandever, Wallace, Williams, Wilson, Woodruff, Wright of P. and D., and Yocom—38.

So said resolution was not adopted.

Mr. Hargrove moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the act entitled an act to provide for the appointment of a circuit prosecutor and defining his duties, as to provide for the appointing and paying of prosecutors *pro tem.*; and report by bill or otherwise.

On motion of Mr. Kilgore,

The same was amended by striking it out from the resolving clause and inserting the following in lieu thereof:

"That the committee on the judiciary be instructed to enquire into the expediency of amending the act entitled an act to provide for the appointment of prosecutor and defining his duty, approved January 20, 1831, so as to authorize the court in case of the absence of the prosecutor, to appoint one for the time being, and to make an order for his payment, which order upon being certified by the clerk and presented to the Auditor shall be by him audited and the amount paid by the Treasurer, which amount shall be charged to the regular prosecutor and retained out of his annual salary.

Said resolution, as amended, was then agreed to.

On motion of Mr. Willett,

The vote heretofore taken on the adoption of a resolution giving to the judiciary committee the use and occupancy of a certain portion of the Representatives' hall, was reconsidered.

Mr. Willett moved to amend said resolution by striking it out from the resolving clause and inserting in lieu thereof the following:

"That the doorkeeper be directed to attend under the direction of the chairman of the judiciary committee, to set in order rooms in the Governor's House for the use of the committees on the judiciary and education when his duties to the House can for that purpose be dispensed with."

On motion of Mr. Evans,

Said amendment was amended by instructing the doorkeeper

to provide rooms up stairs in the State House, instead of the Governor's House.

Said amendment, as amended, was then agreed to.

And on the question to adopt the resolution as amended,  
It passed in the affirmative.

On motion of Mr. Wright of P.,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of repealing the 76th section of the justices act, so as to authorize the circuit court to assess not more than 10 per centum on all judgments rendered by justices on appeal to the circuit court, where the appellant fails to appear and prosecute with effect his appeal; with leave to report by bill or otherwise.

On motion of Mr. Evans,

The resolution moved by himself and laid on the table on the 4th inst. on the subject of a survey of the canal on the south side of the Wabash, and an extension of such survey to Covington, was taken up:

And on the question to adopt the same, it passed in the affirmative.

On motion of Mr. Brackenridge,

*Resolved*, That the members of this House, although they do not feel warranted in yielding this house during ordinary hours of business for the accommodation of those desirous of hearing the Rev. Dr. Blythe on the subject of education, are deeply sensible of the importance of the subject; of the kindness evidenced by the offer, and of the competency of the Reverend gentleman, and would be grateful for any communication from him calculated to aid in legislation on that subject.

Mr. Stanford moved to reconsider the vote taken on Saturday last on the passage of the engrossed bill to amend an act entitled "An act to incorporate the Lawrenceburgh and Indianapolis rail road company," approved February 2, 1832.

Mr. Dunn moved to postpone the consideration of said motion until to-morrow;

Which motion did not prevail.

The question to reconsider being then put,

It passed in the affirmative;

And thereupon,

On motion of Mr. Bigger,

Said bill was recommitted to a committee of the whole house for to-morrow.

Mr. Davis after having obtained leave presented a bill concerning school districts in township No. 12, in Shelby county;

Which was read the first time and passed to a second reading.

Mr. Levenworth after having obtained leave presented a bill to incorporate the Levenworth manufacturing company;

Which was read the first time and passed to a second reading.

On motion of Mr. Steele,

The bill to alter and re-establish the charter of the town of Richmond, laid on the table on the 12th inst., was taken up, and

On motion of Mr. Angle,

The said bill was committed to a committee of the whole house for to-morrow.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate has passed an engrossed bill from the House of Representatives entitled "An act authorizing the commissioners of Vermillion county to appropriate money in the county of Parke," without amendment; also,

An engrossed bill of the Senate entitled "An act for the relief of Abraham Osburn;"

In which bill of the Senate the concurrence of the House of Representatives is requested.

The bill of the Senate above named was read the first time and passed to a second reading.

The House then proceeded to consider the orders of the day.

The bill to amend the act entitled "An act regulating divorces;"

The bill to declare a certain road therein named a state road; and

The bill for the relief of sundry citizens of Monroe county,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The bill to vacate a part of a state road therein named, was read the second time, and

On motion of Mr. Thompson,

Laid on the table.

The bill for the apportionment of a Senator and Representatives in certain counties and territories therein named, was read the second time, and

On motion of Mr. Steele,

It was referred to the same committee of the whole to which is committed the engrossed bill from the Senate of the same title.

The bill to authorize the trustees of Charlestown to lay off a certain street in said town,

Was read the second time, and

On motion of Mr. Thompson,

Said bill was committed to a committee of the whole House for to-morrow.

The bill to amend the act authorizing the loaning of the seminary funds, approved January 24th, 1828,

Was read the second time, and

On motion of Mr. Dunning,

Ordered, That the same do lie on the table.

And then the House adjourned until 2 o'clock P. M.



2 O'clock P. M.

The House met pursuant to adjournment,

And resumed the orders of the day.

The joint resolution relative to the Tippecanoe battle ground, was read the second time.

On motion of Mr. Willett,

The blank in said joint resolution was filled with the words "Governor of Indiana."

Said joint resolution was then ordered to be engrossed and read a third time to-morrow.

The joint resolution on the subject of divorces, was read the second time.

Mr. Bigger moved to strike out so much thereof as excepts the cases in which the Legislature will not refuse to grant relief, to-wit, "extraordinary cases," and to insert in lieu thereof this exception, to-wit, "in cases where the circuit court has no jurisdiction;"

Which motion did not prevail.

On motion of Mr. Willett,

The further consideration of said joint resolution was indefinitely postponed.

Mr. Wallace, on behalf of himself and Messrs. Dunn and Cole-  
rick, asked and obtained leave of absence from the House during the remainder of the afternoon, for the purpose of attending to committee business relating to a state bank.

The bill to prevent the sale of ardent spirits to the Miami and Pottawatome Indians, and to repeal an act entitled an act to prevent the sale of ardent spirits to the Indians, approved February 3d, 1832;

The bill for the relief of William Clark of Monroe county; and

The bill authorizing Moses and Job Matthews & Co. to erect a mill dam across Little Pigeon creek and for other purposes,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the Senate for the benefit of Wm. D. Rooker of the county of Marion,

Was read a third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendment made by the House.

The House resolved itself into a committee of the whole on the resolution heretofore moved by Mr. Crume relative to printing the journals of the present General Assembly; and after some time spent therein the Speaker resumed the chair and Mr. Thompson reported the same with sundry amendments.

On motion of Mr. Bigger,

Said resolution with the amendements made in committee of the whole, were re-committed to a select committee with instruc-

tions to report a resolution fixing the number of journals to be printed for the use of the State; and also to enquire into the expediency of employing some competent person, under the direction of the Secretary of State, to index the journals.

Whereupon,

Messrs. Bigger, Crume and M'Donald were appointed said committee.

The House resolved itself into a committee of the whole on the bill to amend the act regulating the practice in suits at law, and after some time spent therein the Speaker resumed the chair and Mr. Stanford reported the same with two amendments, which were concurred in by the House.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole on the joint resolution concerning the appointment to office by the General Government within this State, and after some time spent therein the speaker resumed the chair and Mr. Crume reported the same with two amendments;

And before any question was had thereon,

The House adjourned until to-morrow morning at 9 o'clock.

## TUESDAY MORNING, DECEMBER 17th, 1833.

The House met pursuant to adjournment.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER,

The Senate has passed an engrossed bill of the Senate, entitled "an act to locate a state road from Greencastle, in Putnam county, via New Maysville, Jamestown, and Lebanon, to the Michigan road in Clinton county; in which I am instructed to ask the concurrence of the House of Representatives.

The bill named in said message was read the first time, and passed to a second reading.

The Speaker laid before House a report of the trustees of South Hanover college, setting forth the condition and prospects of said institution;

Which was read, and referred to the committee on education.

Mr. Bramwell presented a petition of John Vawter and others, praying the location of a state road from Shelbyville to Adam Keller's mill, in Jennings county;

Which was read, and referred to the committee on roads.

Mr. Wright, of P., presented a remonstrance of Joseph Strain and others, against any alteration in the state road leading from Greencastle, via Rockville, &c. to Springfield;

Which was read, and referred to the committee on roads.

Mr. Ferguson presented a petition of John L. Burgess and others, praying the location of a state road from the south-east corner of section 12, town 11, range 1, to T. M'Mean's tavern near Liberty, in Union county;

Which was read, and referred to the committee on roads.

Mr. Levenworth, from the committee of ways and means, to which was referred a resolution on that subject—reported a bill to abolish the office of the agent of the 3 per cent. fund;

Which was read the first time, and passed to a second reading.

Mr. Bigger made the following report:

The select committee to which was referred the resolution on the subject of printing the journals of the House, with instructions to enquire into the expediency of having the journals indexed, have had the same under consideration, and beg leave to report the following resolution:

*Resolved*, That the state printer be directed to print one thousand copies of the journal of the present session of the House of Representatives, for the use of the members of the House—and also, that the Secretary of State be directed to procure the indexing of such journals in the manner in which the journals of Congress are indexed, for such compensation as said Secretary of State shall deem sufficient, not to exceed, however, the sum of fifty dollars;

Which was read, and concurred in by the House.

Mr. Craig made the following report:

The select committee to whom was referred the petition of Andrew Cavett and others, have had the same under consideration, and directed me to report, as follows:

On the first and second request in said petition it is deemed inexpedient to legislate further at this time—and beg leave to be discharged from the same.

On the third request have directed me to report the following bill:

The first branch of said report was read, and concurred in by the House; and said committee were discharged from the further consideration of so much of said petition as is therein mentioned.

The bill accompanying said report, entitled a bill to amend an act entitled “an act to improve the navigation of Lost river, White Water river, and other streams therein named,” approved Jan. 18, 1830, was read the first time, and passed to a second reading.

Mr. Angle, from the select committee to which was committed the bill incorporating the Wabash manual college and teachers' seminary, reported the same with several amendments—and,

Before any question was taken thereon,

On motion of Mr. Vance,

The said report and bill were re-committed to the same select committee making the report.



*Ordered*, That Messrs. Evans, and Brown, of T., be added to that committee.

Mr. Evans moved that the House do re-consider the vote given this morning on concurring in the report of a select committee on the subject of printing the journals of the House;

Which motion did not prevail.

Mr. Brown of T., moved the following resolution:

*Resolved*, That the Secretary of State be directed to furnish two bound copies of the journals of this House, out of the number to be published, for the use of each county in the state, one copy of which shall be deposited in the county library and one in the clerk's office.

Mr. Hardesty moved to amend said resolution, by striking out so much as directs one copy to be deposited in the clerk's office, and providing that the copy in the county library shall be loaned free of cost, subject however to all other regulations of the library;

Which amendment was not agreed to; and,

On the question to adopt the resolution, it was decided in the negative.

Mr. Pearson moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of repealing so much of the 62d section of the act entitled "an act relative to crime and punishment" as makes betting upon horse races an indictable offence, with leave to report by bill or otherwise;

Which was read; and,

On motion of Mr. Reid,

The further consideration thereof was indefinitely postponed.

On motion of Mr. Carter,

*Resolved*, That a select committee be appointed with instructions to enquire into the expediency of so amending the law as not to require the filing of any declaration in any suit brought in any circuit court in this state hereafter for the direct payment of money or property, upon any account, promissory note, bill bond or other writing obligatory, but in lieu of filing a formal declaration, the plaintiff shall file the account, promissory note, bill, bond, or other writing obligatory, on which he intends to rely, in the clerk's office at least ten days before the sitting of the court, at which the case is set for trial, to which the defendant may plead in all respects as he could to a formal declaration, any law, usage or custom of courts to the contrary notwithstanding; and report by bill or otherwise.

Whereupon, Messrs. Carter, Steele, Bennett, Brown of L., and Davis were appointed said committee.

On motion of Mr. Steele,

The report made on the 6th inst. by the committee of elections and laid on the table, on the resolution heretofore moved by Mr. Brady, relative to the election of prosecuting attorneys by the people, was taken up.

The question recurring on the amendment proposed by Mr. Bigger to the instructions moved by Mr. Brady, which was to provide that prosecuting attorneys be appointed by the Governor by and with the consent of the Senate, instead of being elected by the people—

It was thereupon put: and the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bigger, Bramwell, Huntington, Pearson, Reid, Smith of F., Snapp, Standford, Willett, and Wilson—10.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Brackenridge, Bradbury, Brady, Brown of L., Brown of T., Carter, Clark, Craig, Crume, Davenport, Davis, De Pauw, Dorsey, Dunning, Edwards, English, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Hardesty, Hargrove, Howell, Hughes, Jones, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Moore, Nichols, Noble, Parker, Piercy, Smith of K., Smith of R., Stafford, Steele, Stuart, Thompson, Thornberry, Vance, Vandever, Williams, Woodruff, Wright of P., Wright of P. and D., Yocom, and Palmer Speaker—60;

So said proposed amendment was not adopted.

The Speaker announced to the House that the hour allotted for the consideration of resolutions had expired.

On motion of Mr. Willett,

The rules were suspended—and the House continued to consider the resolution last under consideration.

Mr. Evans moved to amend said instructions, by striking out so much as directs the committee to report a bill favorable to the objects of the resolution, and directing them instead thereof to report a bill allowing each county to elect her own prosecutor, which prosecutor need not reside in the county, but must reside in the circuit, and said committee also to provide for his compensation.

Pending that question,

A motion was made by Mr. Brown of L., to postpone indefinitely said report, and motion to re-commit;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Bramwell, Brown of L., Davenport, Guard, M'Donald, Reid, and Thompson—10.

*And those who voted in the negative, are*

Messrs. Beem, Bigger, Brackenridge, Bradbury, Brady, Brown

of T., Carter, Clark, Craig, Crume, Davis, De Pauw, Dorsey, Dunning, English, Evans, Fairman, Ferguson, Field, Foster, Fowler, Gookins, Hardesty, Hargrove, Howell, Hughes, Huntington, Jones, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Bean, Monroe, Moore, Nichols, Parker, Piercy, Pearson, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thornberry, Vance, Vandever, Willett, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D., Yocom and Palmer Speaker—60.

So the further consideration thereof was not indefinitely postponed.

And before any further question was taken thereon,  
The House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Crume,

The rules of the House were further suspended, and the House resumed the consideration of the report of the committee of elections, pending at the last adjournment.

The question recurring on the motion of Mr. Evans, to amend the instructions proposed by Mr. Brady,

It was thereupon put, and decided in the negative.

Mr. Brown of T. moved to amend said instructions, by striking out to much thereof as requires said committee to report a bill favorable to the objects of the resolution, and directing them in lieu thereof to report a bill giving the circuit court the power of appointing a prosecuting attorney for each county.

Mr. Steele called for a division of the question, and the first branch thereof was thereupon put, to wit:

"On striking out;"

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative. are*

Messrs. Beem, Bigger, Bramwell, Brown of T., Colerick, Davenport, Dunn, Fairman, M'Donald, Noble, Reid, Stanford, Thompson, Wallace, Wright of P. and Palmer Speaker—16.

*And those who voted in the negative, are*

Messrs. Angle, Brackenridge, Bradbury, Brady, Brown of L., Carter, Clark, Crume, Davis, De Pauw, Dorsey, Dunning, English, Ferguson, Fields, Foster, Fowler, Gookins, Guion, Hardesty, Hargrove, Howell, Hughes, Jones, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Bean, Moore, Nichols, Parker, Pearson, Piercy,



Smith of F., Smith of K., Smith of R., Snapp, Stafford, Steele, Stuart, Thornberry, Vance, Vandever, Willett, Williams, Williams, Wilson, Woodruff, Wright of P. and D. and Yocom—51.

So the House refused to strike out as proposed by Mr. Brown of T.

The question was then on the motion to re-commit with instructions as proposed by Mr. Brady;

And passed in the affirmative.

Whereupon, Messrs. Brady, Steele and Clark were appointed a committee in pursuance thereof;

And then the House adjourned until to-morrow morning, at 9 o'clock.

### WEDNESDAY MORNING, DECEMBER 18, 1833.

The House met pursuant to adjournment.

The Speaker laid before the House the following annual report from the Agent of State for the town of Indianapolis.

#### AGENT'S OFFICE,

INDIANAPOLIS, DECEMBER, 17, 1833.

The Agent of the State for the town of Indianapolis respectfully submits the following exhibit of the Indianapolis fund, viz:

Amount under the control of the Treasurer of State in cash loaned out, and due at interest as per Treasurer's report,	\$18,330 17
Amount that will become due to Agent in 1834,	13,184 63
“ “ “ 1835,	3,688 44
“ “ “ 1836,	304 50
13 lots yet unsold, amount at valuation to	2,450 00
	<hr/>
	\$37,957 74

The 13 unsold lots will probably in the course of the ensuing year be disposed of at their valuation.

If upon examination it should be found that no additional amount to that now under the control of the Treasurer will be needed to defray the expenses of the current year, I would respectfully suggest the propriety of continuing in force the law of last session, allowing a credit of a year on lot payments, upon the individual paying ten per centum interest on the payment due. Under the operation of said act, there was received during the past year \$343 93 interest.

I have the honor to be, &c.

E. SHARPE.

Which was read and referred to the committee on the affairs of the town of Indianapolis.

A message from the Senate by Mr. Morris their Secretary:

**MR. SPEAKER.**

The Senate has passed without amendment engrossed bills of the House of Representatives, entitled acts, as follows, to wit:

An act to vacate the town of Sarah in the county of Fountain;

An act to establish a state road from Rockville in Parke county to Bowlinggreen in Clay county;

An act to amend an act entitled "an act to appropriate part of the 3 per cent. fund," approved January 31, 1833, and

An act to locate a state road from Fort Wayne in Allen county up and along the west side of the little St. Joseph river to the state line on its eastern boundary.

Mr. Angle presented a petition of James W. Cowen of the county of Marion praying compensation for improvements made on certain lands on the Indianapolis donation;

Which was read and referred to the committee on the affairs of the town of Indianapolis.

Mr. Angle presented a petition of S. D. Maxwell and others, praying compensation for improvement made on a portion of the lands belonging to the Indianapolis donation;

Which was read and referred to the same committee last named.

Mr. Smith of R. presented a petition of Jesse L. Holman and others, praying the location of a state road from the town of Harrison on the Ohio line, to Lexington in Scott county;

Which was read and referred to the committee on roads.

Mr. Steele made the following several reports:

1st. The committee on roads to which was referred a resolution of this House directing an enquiry on the official reports of supervisors, when made, filing an affidavit &c. have had the same under consideration, and are of opinion that the law as it now stands, amply provides for this subject; therefore consider it inexpedient to further legislate upon the same at this time.

2d. The committee on roads to which was referred the petition of Abram Buskirk and others, praying an appropriation of money from the state, to improve the state road from Bloomington to Leesville, have had the same under consideration and are of opinion that it is inexpedient to legislate upon the same at this time;

Which were severally read and concurred in by the House.

Mr. Clark from the select committee to which was referred a petition on that subject, reported a bill to provide for the sale of section 16 in township 21, north of range 9 west, in Warren county;

Which was read the first time and passed to a second reading.

Mr. Evans from the select committee to which was committed a "memorial of the Legislature of the State of Indiana to the President of the United States on the subject of the extinguishment of title of the Miami tribe of Indians to land within the said state," reported the same with one amendment;

Which was read and concurred in by the House.

*Ordered*, That said memorial be engrossed and read a third time to-morrow.

Mr. Wilson from the select committee to which was referred a resolution on that subject; reported a bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831;

Which was read the first time and passed to a second reading.

On motion of Mr. Bramwell;

*Resolved*, That the committee on roads be instructed to enquire into the expediency of repealing the 6th section of the act respecting state roads, approved Feb. 11, 1825; and of providing some more efficient mode of correcting the evils consequent on that law, with leave to report by bill or otherwise.

On motion of Mr. Vance,

*Resolved*, That the judiciary committee be instructed to enquire what legislation is necessary to carry into effect the 5th section of the 9th article of the constitution, and to enquire whether the provisions of that section apply to the sales of town lots sold by the proprietors of any town, and if so, to provide the means of carrying it into effect, and report by bill or otherwise.

On motion of Mr. Davis,

*Resolved*, That the committee on education be requested to enquire into the propriety of so amending the present school law, that the township treasurer make a fair exhibit or report of the school funds in his hands with the amount loaned, to whom loaned, and at what interest, and make him accountable to the township for the whole amount, with leave to report by bill or otherwise;

On motion of Mr. Stuart,

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of so amending the 35th section of the revenue law requiring collectors to assess and collect taxes on non-resident covering horses, so as to authorize the several collectors in this state to collect the taxes assessed as aforesaid on or before the first day of June in each year, and report by bill or otherwise.

On motion of Mr. Smith of R.,

The resolution moved by Mr. Bramwell and laid on the table on the 11th inst. upon the subject of increasing the number of militia musters and the amount of fines, was taken up.

The question recurring on the pending amendment of Mr.



Steele to strike out so much thereof as refers to the number of musters, and insert in lieu thereof a provision for one regimental muster in each year and no other.

Mr. Kelso moved to amend said amendment by adding thereto these words:

"Also one drill muster of the officers of each regiment, to continue two days, which drill muster shall be the two days next preceeding the day of said regimental muster;"

Which was accepted by Mr. Steele as a modification of his motion to amend.

Mr. Howell moved to insert before the word "officers" in said amendment, this word, "commissioned."

Pending that question,

Mr. Reid moved to postpone indefinitely said resolution and proposed amendments,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bigger, Bradbury, Brady, Clark, Craig, Crume, Davenport, Davis, De Pauw, Dunn, English, Fairman, Ferguson, Fields, Foster, Fowler, Guard, Guion, Hardesty, Hargrove, Jones, Leslie, Levenworth, M'Bean, M'Donald, Moore, Parker, Pearson, Reid, Smith of F., Smith of K., Snapp, Stanford, Steele, Thompson, Thornberry, Willett, Woodruff, Wright of P. and Yocom—41.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Brackenridge, Bramwell, Brown of L., Brown of T., Carter, Colerick, Dorsey, Dunning, Evans, Gookins, Howell, Hughes, Huntington, Kelso, Kilgore, Kiser, Nichols, Noble, Piercy, Smith of R., Stafford, Stuart, Vance, Vandever, Wallace, Williams, Wilson, Wright of P. and D. and Palmer, Speaker—31.

So the further consideration of said resolution and proposed amendments was indefinitely postponed.

Mr. Leslie moved the following resolution:

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of so amending the revenue law, laying a tax on covering horses, as to make the tax on such horses uniform, with leave to report by bill or otherwise.

On motion of Mr. Clark,

Said resolution was amended so as to provide that said horses shall be taxed according to their value,

And on the question to adopt the same as amended,

It was decided in the negative.

On motion of Mr. Williams,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of authorizing the boards doing county business to punish contempt to said boards by fine or otherwise.

Mr. English moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the Michigan road law, as to make it the duty of persons purchasing said Road lands to pay for the making out their deed or deeds, and report &c.;

And on the question to adopt the same,

It was decided in the negative.

Mr. Wallace moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of amending an act entitled "an act organizing the supreme court, and defining its powers and duties," approved Jan. 17, 1831, so as to increase the salaries of the judges of said court to one thousand dollars; and further, to enquire into the expediency of amending an act entitled "an act organizing circuit courts and defining their powers and duties, approved Jan. 24, 1831, so as to increase the salaries of the judges of said court to eight hundred dollars.

Mr. Brackenridge moved to amend the same by striking out from the first branch thereof "\$1000," and inserting in lieu thereof "\$850";

Which motion did not prevail.

Mr. Smith of R. moved to commit the same to a committee of the whole House for to-morrow.

Mr. Vandever moved to postpone the further consideration of said resolution indefinitely.

Mr. Reid moved to lay the same on the table,

Which motion was decided in the negative.

The question was then put on the motion of Mr. Vandever to postpone,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Brackenridge, Bradbury, Carter, Clark, Craig, Crume, Davenport, Davis, De Pauw, Dorsey, English, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Jones, Kiser, Leslie, Levenworth, M'Bean, Moore, Piercy, Reid, Smith of R., Stanford, Thompson, Vance, Vandever, Williams, Woodruff, Wright of P. and D. and Yocom  
—39.

*And those who voted in the negative, are*

Messrs. Angle, Becm, Bigger, Brady, Bramwell, Brown of

L., Brown of T., Colerick, Dunn, Dunning, Evans, Fairman, Huntington, Kelso, Kilgore, M'Donald, Nichols, Noble, Parker, Pearson, Smith of F., Smith of K., Snapp, Stafford, Steele, Stuart, Thornberry, Wallace, Wilett, Wilson, Wright of P. and Palmer, Speaker—32.

So said resolution was indefinitely postponed.

The Speaker announced that the hour for considering resolutions had expired.

On motion of Mr. Dunning,

The rule was suspended, when he moved the following resolution:

*Resolved*, That the committee on education be instructed to enquire into the expediency of reducing the price of so much of the seminary lands in Monroe and Gibson counties as are classed in the 2d and 3d classes in said townships, with leave to report by bill or otherwise;

Which was read and agreed to.

The House then proceeded to consider the orders of the day,

And resumed the consideration of the joint resolution concerning the appointment to office by the General Government within this state, pending at the adjournment on the 16th inst.

The question was put, will the House concur in the amendments made in committee of the whole to said joint resolution?

And passed in the affirmative.

Mr. Hargrove moved to lay said joint resolution on the table;

Which motion did not prevail.

Mr. Moore moved to postpone the further consideration thereof indefinitely,

And before the question was had thereon,

The House adjourned until two o'clock, P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate disagree to the amendment proposed by the House of Representatives to the engrossed bill of the Senate entitled "an act for the benefit of William D. Rooker of the county of Marion."

On motion of Mr. Crume,

The House receded from their amendment made to the bill named in said message.

*Ordered*, That the clerk inform the Senate thereof.

The House then resumed the consideration of the joint resolution pending at the last adjournment.

Mr. Crume moved to lay the same on the table,



And the ayes noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Brackenridge, Brown of T., Craig, Crume, Davis, Dorsey, Dunning, Foster, Fowler, Hargrove, Kiser, M'Bean, M'Donald, Moore, Nichols, Pearson, Stuart, Williams, Wright of P. and Palmer, Speaker—21.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Bennett, Bigger, Bradbury, Bramwell, Brown of L., Carter, Clark, Colerick, Davenport, De Pauw, Dunn, English, Evans, Fairman, Ferguson, Fields, Gookins, Guard, Guion, Hardesty, Howell, Hughes, Huntington, Jones, Kelso, Kilgore, Leslie, Levenworth, Parker, Piercy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Thompson, Thornberry, Vance, Vandever, Wallace, Willet, Wilson, Woodruff, Wright of P. and D. and Yocom—50.

So said motion was decided in the negative.

The question was then put on the motion of Mr. Moore to postpone the further consideration thereof indefinitely,

The ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Brackenridge, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Craig, Davis, De Pauw, Dorsey, Dunning, English, Ferguson, Fields, Foster, Fowler, Guard, Hargrove, Howell, Hughes, Kilgore, Kiser, M'Bean, Moore, Nichols, Noble, Pearson, Snapp, Stafford, Stuart, Thompson, Thornberry, Vandever, Wallace, Williams, Woodruff, Wright of P., and D. and Yocom—41.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Colerick, Crume, Davenport, Evans, Fairman, Gookins, Guion, Hardesty, Huntington, Jones, Kelso, Leslie, Levenworth, M'Donald, Parker, Piercy, Reid, Smith of F., Smith of K., Smith of R., Stanford, Steele, Vance, Willett, Wilson, Wright of P. and Palmer, Speaker—31.

So said joint resolution was indefinitely postponed.

The bill to provide for the inspection of whiskey,

Was read a second time, and

On motion of Mr. Wallace,

Committed to a select committee, with instructions to include pork, flour and such other articles as the committee may deem expedient,

Whereupon,

Messrs. Wallace, Wright of P. and Huntington were appointed said committee.

The bill to locate a state road from the Michigan road to Vernon;

The bill to amend an act entitled an act to incorporate the Monroe county female Seminary;

The bill to incorporate the Levenworth manufacturing company, and

The bill to amend an act entitled an act to improve Lost river, White Water river, and other streams therein named, approved Jan. 18, 1830,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The joint resolution directing the Secretary of State to furnish the county of Parke with eight copies of the revised laws of 1831,

Was read the second time and ordered to be engrossed and read a third time to-morrow.

The bill to amend an act entitled "an act to appropriate part of the 3 per cent. fund," approved Feb. 10, 1831;

Was read the second time.

Mr. Levenworth moved to amend said bill so as to strike out so much as relates to its publication in the Indiana Journal;

Which motion did not prevail.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The bill concerning school districts in town 12 in Shelby county,

Was read the second time.

On motion of Mr. Bennett,

Said bill was amended by including town 12, range 1, in Union county.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the Senate to locate a state road from Greencastle in Putnam county *via* New Maysville, Jamestown and Lebanon in Boone county to the Michigan road in Clinton county,

Was read the second time, and

On motion of Mr. Vance,

Committed to a select committee of Messrs. Vance, Piercy, Nichols, Davenport and Brady.

The engrossed bill from the Senate for the relief of Abraham Osborn,

Was read the second time and ordered to be read a third time to-morrow.

The bill to abolish the office of the Agent of 3 per cent fund,  
Was read the second time, and

On motion of Mr. Angle,

Committed to a committee of the whole House for to-morrow.

Mr. Willett after having obtained leave, presented a joint resolution to extend the time for completing Blackford's Reports;

Which was read the first time and passed to a second reading.

And then the House adjourned until to-morrow morning at 9 o'clock.

## THURSDAY MORNING, DECEMBER 19th, 1833.

The House met pursuant to adjournment.

The Speaker laid before the House the following annual report of the Canal Fund Commissioners:

*Hon. N. B. Palmer:*

SIR—Please lay before the House of Representatives the enclosed report of the Canal Fund Commissioners.

December 18, 1833.

OFFICE OF THE CANAL FUND COMMISSIONERS, }  
December 18, 1833. }

*To the General Assembly of the State of Indiana:*

The Commissioners of the Canal Fund, in obedience to the act of January 9, 1832, constituting the Board of Canal Fund Commissioners, respectfully submit the following account of the state of the fund entrusted to their management.

There was on hand, at the making of our last annual report, the sum of \$104,673 23

To which is to be added the premium received on the loan to Mr. Hale 50 00

There has been received since by the Fund Commissioners, the sum of seventy-two thousand and ninety-four dollars fifty-nine and three fourth cents, from the following sources, viz;

From canal lands sold,	\$12,013 45
“ interest on do.	1,856 87
“ “ arising from lands sold previous to November 30, 1832,	4,592 78



Cash received for payments made in full for lands sold, 1,162 38

Cash received from Jordan Vigus, for interest on lands sold previous to Nov. 30, 1832, and omitted to be reported to us last year. 17 32

Interest arising from monies loaned by the Fund Commissioners to individuals, 2,424 46½

Cash received from J. D. Beers & Co. March 1, 1833, balance of the \$100,000 loan, 50,000 00

Cash received by W. C. Linton, premium on drafts, 27 33 72,094 59½

---

Total, \$176,817 82½

Of this amount, the Commissioners have paid out during the year the following sums—

To contractors for work done on the canal, \$66,746 13

For canal incidental expenditures, 6,570 53

For land “ “ 824 75

For canal fund “ 387 84½

---

Total expenditures, \$74,529 25½

---

Balance remaining, \$102,289 57½

Of the foregoing balance, there is in the Merchants' Bank of New-York, as per contract, the sum of \$90,449 50

In the hands of Wm. C. Linton, 4,034 53½

“ “ Jer. Sullivan, 592 41

“ “ Nicholas M'Carty, 91 75½

“ “ Saml. Merrill, 147 73

“ “ John Spencer, agent, 6,014 64

“ “ John Scott, Canal Com. 458 00

“ “ Canal Commissioners for

contingencies, 500 00 \$102,288 57½

The Commissioners will here remark, that the foregoing statement does not include the interest account between the Fund and the Merchants' Bank of New-York. It will be remembered, that the state is paying six per cent. interest on the loan of 1832, and that she is receiving four per cent. from the Merchants' Bank on the amount of deposits; but not having received an *interest account* from the Bank, as was requested and is daily looked for, we are unable precisely to state the amount of that account.

The fund is also subject to the Auditor's salary of the past year. We must further state, that of the above sums accruing from interest on the sale of canal lands, the sum of four hundred and fifty-eight dollars is reported to us as having been collected by John Scott, one of the Canal Commissioners, and which has not been paid over to either of the members of this Board, or to our disbursing agent.

We think it proper here to remind the legislature that our settlement with the Canal Commissioners is made up to the 30th of November last; since which time, on account of the favorable state of the weather, the work on the canal has been progressing, and the expenditures have accordingly been made. The funds on hand will, therefore, be soon exhausted, and it will now become necessary to draw further on the fund in bank.

We would remark, that among the contingencies of the canal expenditures, we passed to the credit of the Canal Commissioners an allowance of \$387 30 3-4 for so much money expended by them in procuring laborers from a distance for the canal. It was so expended to insure a favorable competition on contracts, and being satisfied that it was a judicious expenditure, we have passed the account.

In all the operations relative to the progress of the work on the canal so far as comes under our inspection, we are gratified with the regularity and exactness of the business and accounts. And we accord with the Canal Commissioners in congratulating the state that the arduous and frequently delicate responsibilities which devolve on the state engineer, are entrusted to a gentleman in whom so much confidence is deservedly placed, as in the present engineer.

In our first annual report, we suggested to the General Assembly the propriety of so amending the act of January 9, 1832, as that this Board may be authorized to negotiate loans, and draw the amount borrowed, without being restricted by the sums due for canal lands sold. We repeat the suggestion, and recommend the subject to the consideration of the legislature. It need require no argument to satisfy the mind of the legislature that the tendency of that act is to limit the operations of the canal to the sales made of these lands. These lands, we are advised, will sell, and as the canal progresses towards its completion they will sell most advantageously. Hence the propriety of completing the canal, without depending at present on the income to be derived from the lands. As a further reason, it is important in negotiating a loan, that the capitalist should know the precise period at which his money will be required. His bid for the loan depends much on exact information as to time and circumstances. Money is always valuable, and no man will obligate himself to keep his money in his coffers, subject to be called for on the happening of an uncertain event. We repeat, your stock will not sell if the Commis-

sioners be not authorized to fix a definite period for the payment of definite sums.

We beg leave further respectfully to suggest to the General Assembly, that in order to the successful and efficient prosecution of the canal, another appropriation will be required at the present session of the General Assembly. Whether the whole line of the canal be authorized to be put under contract, or only a portion of it, this board, in either event, would respectfully suggest to the legislature the propriety of authorizing the Canal Fund Commissioners to borrow at such times, and on such occasions as they may judge best, a sum sufficient to complete this important work. There are times and opportunities for making advantageous contracts, which should be embraced, and which may be lost by waiting for legislative enactment. The loans may be negotiated, payable in instalments. The special advantages to arise from such an appropriation are obvious. It would satisfy the public mind that the state intends speedily to complete the work—it would create confidence in the undertaking—it would add to the value of canal lands—it would promote settlements in the neighborhood of the canal, and would, perhaps, encourage the state of Ohio to engage immediately and efficiently in extending the canal through her territory to the lake.

In examining the accounts and passing the sums expended for contingencies, it has occurred to the Commissioners of this Board, that their increase would not be in the ratio of an increased amount expended in a more vigorous prosecution of the canal; and that economy would suggest, therefore, such increased extent of lettings as would comparatively lessen these expenses.

The board, in making such further recommendations to the General Assembly, as by law they are requested and invited to make, do respectfully suggest that the laws now in force in relation to the canal be amended in the following particulars, viz.—

1. That the plat of canal lands, now on file in the office of the Secretary of State, be transferred to this office.
2. That the plats, shewing the classification of said lands be also filed in this office.
3. That so much of the act of January 9, 1832, as requires the certificates of stock to be countersigned by the Treasurer of State be repealed, as being unnecessary and expensive.
4. That the ninth section of the act of January 28, 1830, in relation to the duties of the Auditor of State be revised, so far as may be necessary to create an effectual check on the Canal Commissioners in the sale of canal lands.
5. That a committee of both Houses be required annually to examine the books, records, vouchers, and documents on file in this office, by which the operations as well of this board as of the board of Canal Commissioners, will pass under the more distinct review of the General Assembly.



We owe to the General Assembly an apology for not making this report at the period required by law. We did not receive the report of the Canal Commissioners until the close of last week, and have, therefore, been necessarily delayed in preparing the present communication.

Respectfully submitted,

WM. C. LINTON,  
JR. SULLIVAN,  
NICHOLAS MCARTY.

*Mem.*—The items of interest, as accrued in the hands of each Fund Commissioner, and all matters of accounts are on file in this office.

Which was read and referred to the committee on canals and internal improvements.

On motion of Mr. Huntington,

*Ordered*, That 500 copies of said report be printed for the use of the members of this House.

Mr. Steele presented a remonstrance of John Pentecost and others, against any alteration in the state road leading from the Ohio line in Union county to Richmond in Wayne county;

Which was read and laid on the table.

Mr. Brady presented a petition of William Warren of Marion county and others, praying a memorial to the Congress of the U. States, requesting that the name of said Warren may be placed on the pension list of Indiana pensioners;

Which was read and referred to a select committee of Messrs. Brady, Evans, and Foster.

On motion of Mr. Evans,

Said committee were instructed to include the name of William Bilsley in said memorial.

Mr. Nichols presented a petition of C. B. Naylor and others, praying a change in part of the road leading from Mooresville to Danville;

Which was read and referred to the committee on roads.

Mr. Nichols presented a remonstrance of Christian C. Nave and others, against the prayer of the last named petition;

Which was read and referred to the committee on roads.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate has passed without amendment engrossed bills of the House of Representatives entitled acts as follows, to wit:

An act to establish a state road from Bloomington in Monroe county to Morgantown in Morgan county;

An act to legalize the election of trustees for the Patoka Baptist church in the county of Gibson;

An act to amend an act entitled an act for the safe keeping of prisoners under the authority of the United States in any of the

jails of this state and for other purposes, approved January 26, 1818;

An act to amend an act entitled an act to relocate a part of the Martinsville, Danville, and Frankfort state road and for other purposes, approved February 2, 1833;

An act to legalize the election and proceedings of the trustees of congressional township No. 12, range one west; and

An act in addition to an act entitled an act to incorporate the town of New Albany, approved February 3d, 1832.

They have also passed an engrossed bill of the Senate entitled an act to organize the county of Miami; in which they have instructed me to ask the concurrence of the House of Representatives.

The bill of the Senate named in said message was read the first time and passed to a second reading.

Mr. Bradbury from the committee on the affairs of the town of Indianapolis to which were referred two several petitions on that subject, reported a bill for the relief of James W. Cowan and others;

Which was twice read, (the rules of the House having first been dispensed with:

On motion of Mr. Davis,

Said bill was amended so as to extend its provisions to Francis Davis of Warren county.

The rules of the House were further suspended, said bill read a third time and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Steele from the committee on roads to which were referred two several resolutions directing an enquiry into the propriety of paying supervisors of public highways by an acquittal from musters and serving on juries, &c., reported that the committee have had the same under consideration and are of opinion that it is inexpedient to legislate on that subject at this time;

Which was read and concurred in by the House.

Mr. Steele made the following report:

The committee on roads to which were referred the petition and remonstrances of the citizens of Delaware county, together with sundry other papers on the same subject of changing the line of a state road therein named, have had the same under their consideration and are of opinion that it is inexpedient to legislate upon the same at this time;

Which was read and laid on the table.

Mr. Huntington made the following report:

The select committee to which was referred the petition of Robert M. Evans and others, on the subject of the erection of a marine hospital at Evansville in the state of Indiana, have had that subject under consideration and now report,

That from every information within the reach of the committee,

they are satisfied that there is great necessity for the establishment of some public receptacle near the mouth of the Wabash river for the sick and indigent sailors and boatmen who are annually landed in great numbers at that point in our state—the immense and increasing commerce of the states bordering on the Ohio and Wabash rivers, with the cities of the south and the whole country between the mouth of the Ohio and the Gulf of Mexico, renders it an object of *national* concern to take care of those whose enterprise and necessities engage them in this trade—the frequent disasters which befall our citizens upon steam and other boats by reason of fire, explosion of steam boilers and wreck, added to the deadly influence of the southern climate upon their health and constitutions, call loudly upon the General Government for a portion of that charity which it has been found the policy of all humane governments to extend to their people. The establishment of a national hospital at a proper point on our western waters above the mouth of the Ohio, would save many a worthy citizen from a premature grave, and greatly alleviate the sufferings of thousands whose misfortunes stamp them as proper objects of the nation's care. Nor could the advantages of such an institution be confined to the citizens of any one state or portion of the Union. They would be felt by the *nation*, and more especially by the whole western country. When it is recollected that the Ohio river is at present, and in all coming time probably *will* be, the great national highway of the west, and that the Wabash when connected by the Wabash and Erie canal with Lake Erie, will constitute the great prominent commercial avenue between the northern lakes and the south, it requires no effort to shew that some point near the confluence of the Ohio and Wabash rivers, would be highly advantageous for the establishment of such a hospital. The committee under this view of the subject with confidence designate Evansville in the county of Vanderburgh in this state as such a point, and present for the action of the House,

“A memorial to the Congress of the United States on the subject of the establishment of a national hospital on the Ohio river.”

Said memorial was read the first time and passed to a second reading.

Mr. Snapp from the select committee to which was referred a petition of J. B. Martin and others on that subject, reported a bill to incorporate the Vincennes company, and before said bill was read the first time, it was

*Ordered*, That said bill and petition do lie on the table.

Mr. Davis from the select committee to which was referred the petition of Carleton R. Tracy and others on that subject, reported a bill to change a part of the Shelbyville and Greenfield state road:

Which was read the first time and passed to a second reading.

Mr. Carter from the select committee to which was referred a resolution on that subject, reported a bill to amend an act entitled



an act to provide for the sale of certain lands therein named, approved February 2d, 1833;

Which was read the first time and passed to a second reading.

Mr. Dunning from the joint committee of enrolled bills reported that they have compared the enrolled with the engrossed bill entitled an act authorizing the commissioners of Vermillion county to appropriate money in the county of Parke, and find the same truly enrolled.

Whereupon the Speaker signed said bill.

*Ordered*, That the clerk carry it to the Senate for the signature of their President.

Mr. Fields moved the following resolution:

*Resolved*, That the committee on education be instructed to enquire into the expediency of amending the law regulating militia fines, so that all fines collected by orders of courts of assessment shall be paid to the congressional township treasurer where such person lives for the use of said schools; or otherwise pay one dollar and fifty cents to said treasurer, and his receipt shall exempt him from militia duty for one year; and report by bill or otherwise.

And on the question to adopt the same, it was decided in the negative.

On motion of Mr. Howell,

*Resolved*, That a select committee be instructed to enquire into the expediency of reducing the fees of supervisors of public roads and highways; with leave to report by bill or otherwise.

Whereupon,

Messrs. Howell, Bennett and Guion were appointed said committee.

Mr. Davis moved the following resolution:

*Resolved*, That the committee on roads be requested to enquire into the propriety of so amending the present road law as that each person entitled to work on roads shall work six days in each year for his personal privileges; with leave to report by bill or otherwise.

Mr. Vandever moved to amend the same so as to have persons work six days if found necessary;

Mr. Foster moved to amend said amendment, so as to require four days work instead of six;

Which motion did not prevail.

The question was then put on the motion of Mr. Vandever, And decided in the negative.

Mr. Canter moved to amend the same so as to require each person to work two days only;

Which motion was decided in the negative.

On motion of Mr. Howell,

Said resolution was laid on the table.

Mr. Fowler moved the following resolution:

*Resolved*, That the committee on education be instructed to en-

quire into the expediency of so amending the act entitled an act for the encouragement of education, approved Feb. 2d, 1833, that whatever money hereafter may come into the hands of any of the school commissioners by virtue of said act, shall be for the use and benefit of the school district in which the person paying the same resides, with leave to report by bill or otherwise.

Mr. Nichols moved to lay the same on the table,

Which motion did not prevail.

Mr. Smith of R. moved to amend the same so as to instruct said committee so to amend the law, that the amount paid to the commissioner and the amount collected off of delinquents be the same.

Mr. Steele moved to amend said amendment so as to provide that the fine on privates shall be one dollar per annum for not mustering, to be paid at his discretion to the school commissioner for the use of common schools or worked out on roads.

Mr. Snapp moved to postpone the resolution with the proposed amendments until the 2d Monday in January next, when

On motion of Mr. Hargrove,

Said resolution and pending amendments were ordered to lie on the table.

Mr. Kelso moved the following resolution:

*Resolved*, That the committee on roads be instructed to enquire into the expediency of amending the road law, so as to require the supervisors to work on roads with all the hands assigned them at least two days prior to the first day of August in each year.

Mr. Crume moved to amend the same, so as to provide that one half the work shall be done on or before the first day of June, and the remainder to be done on or before the first day of October in each year.

Mr. Craig moved to amend said amendment so as to have said provision extend to those counties only who may wish it;

Which motion did not prevail.

On motion of Mr. Pearson,

The amendment proposed by Mr. Crume was amended so as to provide that supervisors of roads shall make report of work done, fines collected, and delinquencies to the board of commissioners at their January session in each year.

The question was then put will the House agree to the amendment proposed by Mr. Crume as amended,

And passed in the affirmative,

And the resolution as amended, was then adopted.

Mr. Dunning after having obtained leave, presented a bill to appropriate a part of the 3 per cent. fund in Monroe county;

Which was read the first time and passed to a second reading.

The House then proceeded to consider the orders of the day.

The bill to provide for the sale of section 16 in township 21, north of range 9 west in Warren county,

Was read the second time and ordered to be engrossed and read a third time to-morrow.

The bill to amend an act entitled "an act to regulate the mode of doing county business in the several counties in this state approved Jan. 19, 1831,

Was read the second time.

Mr. Wright of P and D. moved to amend the same so as to exclude the counties of Pike and Dubois from the provisions of said bill, when

On motion of Mr. Thompson,

Said bill was committed to a committee of the whole house for to-morrow.

And the House adjourned until two o'clock, P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment.

The joint resolution to extend the time for completing Blackford's reports,

Was read the second time and ordered to be engrossed and read a third time to morrow.

The engrossed bills, memorials and joint resolutions of the following titles, to wit:

The bill to declare a certain road therein named a state road;

The bill for the relief of sundry citizens of Monroe county;

The bill for the relief of William Clark of Monroe county;

The bill authorizing Moses and Job Matthews & Co. to erect a mill dam across little Pigeon creek and for other purposes;

The bill to amend the act regulating the practice in suits at law;

The bill to locate a state road from the Michigan road to Vernon;

The bill to amend an act entitled an act to incorporate the Monroe county female Seminary, approved Jan. 28, 1833;

The bill to amend an act entitled an act to appropriate part of the 3 per cent. fund and for other purposes, approved Feb. 10th, 1831;

The memorial and joint resolution relative to the Louisville and St. Louis mail route;

The joint resolution relative to the Tippecanoe battle ground;

The memorial of the Legislature of the State of Indiana to the President of the United States on the subject of the extinguishment of title of the Miami tribe of Indians to land within the said state, and

The joint resolution directing the Secretary of State to furnish the county of Parke with eight copies of the revised code of 1831,

Were severally read a third time and passed.



*Ordered*, That the said bills be entitled acts and that the Clerk, carry them, together with the memorials and joint resolutions, to the Senate and ask their concurrence.

Mr. Evans, after having obtained leave, presented two several petitions of sundry citizens of Illinois and Indiana, praying among other things appropriations for the improvement of the great Wabash river, also a petition of Thomas S. Hinde in behalf of the Wabash navigation company, and Benj. T. Kavanaugh in behalf of the citizens of Illinois on the same subjects;

Which were severally read and referred to the committee on canals and internal improvements.

On motion of Mr. Evans,

Said Thomas S. Hinde and Benj. T. Kavanaugh were invited to take seats within the Hall of the House of Representatives during their stay at this place.

The bill to amend the act entitled an act regulating divorces, approved January 17, 1831,

Was read the third time, and

On motion of Mr. Evans,

Recommitted to a committee of the whole House for to-morrow.

The bill to prevent the sale of ardent spirits to the Miami and Pottawatomie Indians, and to repeal an act entitled an act to prevent the sale of ardent spirits to the Indians, approved the 3d of Feb. 1832,

Was read the third time, and

On motion of Mr. Thompson,

Recommitted to a committee of the whole House for to-morrow.

The bill concerning school districts in township No. 12 in Shelby county,

Was read the third time, amended by unanimous consent and passed.

On motion of Wallace,

The title was amended so as to read "townships 12 in Shelby and Union counties."

*Ordered*, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The bill to incorporate the Levenworth manufacturing company,

Was read the third time.

Mr. Thompson moved to recommit the same to a committee of whole House for to-morrow;

Which motion did not prevail,

And before any further question was had thereon,

The House adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING, DECEMBER 20, 1833.

The House met pursuant to adjournment.

Mr. Carter presented two several petitions of Alfred Elliott and others, praying an alteration in the law of last session of the General Assembly, appointing commissioners to locate a state road from Orleans, by the way of Livonia in Washington county, to intersect the state road leading from New Albany to Vincennes in the direction of Greenville in Floyd county;

Which were read, and referred to the committee on roads.

Mr. Wright of P. presented a remonstrance of William Depew and others, against any alteration in the state road leading from Greencastle via Rockville, &c. to Springfield;

Which was read, and referred to the committee on roads.

Mr. Wright of P. presented a petition of Jesse Moore and others, praying an appropriation out of the 3 per cent. fund to erect a bridge across Raccoon creek at Strain's mills;

Which was read, and laid on the table.

Mr. Parker presented a petition and remonstrance of sundry persons citizens of Washington and Orange counties, accompanied by a plat of the road referred to in said petition, &c.—which petition and remonstrance refers to the same law alluded to in the petitions presented this morning by Mr. Carter;

Which were read, and referred to the committee on roads.

Mr. Nichols presented a petition of William H. Darnall and others, of Hendricks county, praying a re-location of the state road leading from Belville, via Danville, to Lebanon in Boone county;

Which was read, and referred to a select committee of Messrs. Nichols, Davenport and Vance.

Mr. Angle from the committee of elections to which was referred a petition on that subject, reported a bill to provide for the election of a justice of the peace in the town of Gossport, in Owen county;

Which was read the first time, and passed to a second reading.

Mr. Wright of P. from the judiciary committee, to which was referred a resolution on that subject, reported a bill to amend an act regulating the practice in suits at law;

Which was read the first time, and passed to a second reading.

Mr. Thompson, from the committee on the judiciary, to which were referred resolutions directing the following enquiries, to wit:

1st. Into the expediency of so amending the law regulating vagrants, as to give justices of the peace complete jurisdiction over them.

2d. Into the expediency of so amending the 26th section of the act regulating the mode of doing county business as to authorize circuit, probate and county courts to stipulate the amount to be paid to clerks and sheriffs for extra services.

3d. Into the expediency of so amending the law defining the

jurisdiction, &c. of justices of the peace as to authorize an appeal on behalf of the state to be taken from judgments of justices in prosecutions for assaults and batteries, &c.

4th. So much of the Governor's message as relates to extending the laws over the Indians.

5th. Into the expediency of abolishing imprisonment for debt.

6th. Into the expediency of extending the jurisdiction of justices of the peace in cases of trespass and replevin to fifty dollars.

7th. Into the expediency of allowing witnesses mileage at the rate of four cents per mile for each and every mile they travel over and above the first four miles next to the place where they are subpoenaed to attend; and,

8th. Into the expediency of so amending the 8th section of the act regulating fees, &c.—as to give constables the same authority to collect fee bills as sheriffs and coroners have:

Reported, that said committee have had those several subjects under their consideration, and had directed him to report that in the opinion of the committee it is inexpedient to legislate on the same at this time.

On motion of Mr. Huntington,

So much of said report as refers to the resolution first above named, was ordered to lie on the table.

On motion of Mr. Leslie,

The second branch of said report was committed to a select committee of Messrs. Leslie, Parker and Thompson.

The report made on the resolution thirdly above named was read, and concurred in.

Mr. Brown of T. moved to commit the fourth branch said report to the select committee to which was committed so much of the Governor's message as relates to Indian lands; when,

On motion of Mr. Steele,

The same was laid on the table.

Mr. Huntington moved to re-commit the fifth branch of said report to the judiciary committee, with instructions to report a bill favorable to the objects of the resolution.

Mr. Bigger moved to amend said instructions, so that said committee report a bill abolishing imprisonment for all debts of a less sum than ten dollars.

Mr. Wallace moved to amend said proposed amendment, so that the provisions of the law now extended to persons arrested under process from the circuit court, be extended to persons arrested under process issuing from justices of the peace;

Which motion did not prevail.

Mr. Angle moved to postpone the further consideration of said resolution, proposed instructions and pending amendment indefinitely;

And the ayes and noes being requested thereon by two members,



*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bennett, Brackenridge, Brady, Brown of L., Carter, Clark, Craig, Crume, Davenport, Davis, Dunning, Fairman, Ferguson, Fields, Foster, Fowler, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Jones, Levenworth, M'Bean, M'Donald, Moore, Piercy, Reid, Smith of P., Smith of R., Stanford, Steele, Stuart, Thompson, Vandever, Woodruff, and Wright of P. and D.—41.

*And those who voted in the negative, are*

Messrs. Bigger, Bradbury, Brown of T., Colerick, De Pauw, Dorsey, English, Gookins, Huntington, Kelso, Kilgore, Kiser, Leslie, Monroe, Nichols, Noble, Parker, Pearson, Smith of K., Snapp, Stafford, Thornberry, Vance, Wallace, Willett, Williams, Wilson, Wright of P., Yocom and Palmer Speaker—30.

So the same was indefinitely postponed.

On motion of Mr. Kelso the sixth branch of said report was committed to a select committee of Messrs. Kelso, Stanford and Huntington.

Mr. Clark moved to commit so much of said report as is made in pursuance of the resolution seventhly above named to a select committee;

Which motion was decided in the negative.

The report made by the judiciary committee on said resolution was then concurred in.

The report on the resolution eighthly, and lastly made by the judiciary committee, was concurred in by the House.

Mr. M'Donald made the following report:

The committee on education, to whom was referred a resolution of this House directing an inquiry into the expediency of further legislation relative to reserved sections for the support of township schools, which have been sold as containing a greater number of acres than they actually do contain have according to order, had that subject under consideration, and have directed me to report: That further legislation on that subject is, at present, inexpedient.

Which was read, and concurred in.

Mr. Reid, from the committee on military affairs, to which was referred a resolution on that subject, reported a bill to repeal an act entitled an act for the encouragement of education, approved February 2d, 1833;

Which was read the first time, and passed to a second reading.

Mr. Reid made the following report:

The committee on military affairs, to which was referred a resolution of this House, instructing them to inquire into the expediency of exempting minors from performing military duty in time of peace, have had the same under consideration, and directed me to report: That, in their opinion, it is inexpedient to legislate

on that subject; and the committee ask to be discharged from the further consideration of the same,

Which was read and concurred in by the House, and said committee discharged accordingly.

Mr. Hargrove made the following report:

The committee on claims, to which was referred the communication of Paris C. Dunning, on that subject, reported the following resolution:

*Resolved*, That the committee of ways and means be directed to allow Paris C. Dunning, in the specific appropriation bill, fifteen dollars for his services in attending the Monroe county circuit court, as prosecuting attorney *pro tem.* at its term in April, 1833.

Mr. Fields, after having obtained leave, presented a bill to amend an act entitled an act to provide for the location of a certain state road therein named, approved January 24th, 1832;

Which was read the first time, and passed to a second reading.

Mr. Brown of T., from the select committee to which was referred a resolution on that subject, reported a memorial and joint resolution of the General Assembly of the state of Indiana for an appropriation to improve the navigation of the Wabash and White rivers;

Which was read the first time, and passed to a second reading.

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Willett,

*Ordered*, That 500 copies of the report of the trustees of the South Hanover college, heretofore presented to the House, be printed for the use of the members thereof.

The House then proceeded to consider the orders of the day; and resumed the consideration of

The engrossed bill to incorporate the Levenworth manufacturing company.

Mr. Stanford moved to re-commit the same to a select committee with instructions to insert in the bill the following proviso, "*Provided*, That the General Assembly may at any time after the expiration of ten years from the passage of this act alter or amend the same.

Mr. Thompson moved to amend said amendment so as to insert after the words "alter or amend" these words "or repeal;"

Which motion did not prevail.

The question was then put on the motion of Mr. Stanford to commit, &c.;

And passed in the affirmative.

Whereupon, Messrs. Stanford, Bigger and Levenworth were appointed a committee in pursuance thereof.

A message from the Senate by Mr. Morrison, their assistant Secretary.

MR. SPEAKER,

The Senate has passed an engrossed bill of the House of Representatives entitled "an act for the relief of James W. Cowan and others;" without amendment.

The engrossed bill from the Senate to organize the county of Miami was read the second time; and,

*Ordered*, To be read a third to-morrow.

The bill to change a part of the Shelbyville and Greenfield state road;

The bill to amend an act entitled "an act to provide for the sale of certain lands therein named," approved Feb. 2, 1833; and,

The memorial to the Congress of the United States on the subject of the establishment of a national hospital on the Ohio river;

Were severally read the second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Howell, after having obtained leave, presented a bill for the benefit of persons who are likely to suffer by the destruction of the records of Spencer county;

Which was three times read (the rules of the House having first been dispensed with,) and passed.

*Ordered*, That it be entitled an act, and that Mr. Howell carry it to the Senate and ask their concurrence.

The bill to appropriate a part of the 3 per cent. fund in Monroe county,

Was read the second time.

Mr. Brown of L. moved to lay the same on the table;

Which motion did not prevail.

Said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Reid,

Mr. Bennett was added to the committee of enrolled bills.

The engrossed bill from the Senate for the relief of Abraham Osborn,

Was read the third time and passed.

*Ordered*, That the clerk inform the Senate thereof.

The engrossed bill to amend an act entitled an act to improve Lost river, White Water river and other streams therein named, approved Jan. 18, 1830;

The engrossed bill to provide for the sale of section 16, in township 21, north of range 9 west in Warren county, and

The engrossed joint resolution to extend the time for completing Blackford's reports,

Were severally read the third time and passed.

*Ordered*, That the said bills be entitled acts and that the clerk



carry them, together with said joint resolution to the Senate, and ask their concurrence.

Mr. English from the joint committee of enrolled bills, report, that they have compared the enrolled with the engrossed bills entitled as follows:

An act to vacate the town of Sarah in the county of Fountain;

An act to establish a state road from Rockville in Parke county to Bowlinggreen in Clay county;

An act to amend an act entitled an act to appropriate a part of the 3 per cent. fund, approved Jan. 31, 1833, and

An act to locate a state road from Fort Wayne in Allen county up and along the west side of the little St. Joseph river to the State line on its eastern boundary,

And find the same truly enrolled.

Whereupon,

The Speaker signed said bills.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

Mr. English from the joint committee of enrolled bills, report, that they have compared the enrolled with the engrossed bills entitled as follows:

An act authorizing Miles M'Daniel to apply for a writ of ad quod damnum to establish a mill on Big Creek in Posey county;

An act for the relief of James McCoy of Marion county, and

An act to incorporate the Evansville and Lafayette rail road company;

And find the same truly enrolled;

Whereupon,

The Speaker signed said bills.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

Mr. Dunning from the joint committee of enrolled bills, report, that they have compared the enrolled with the engrossed bills entitled, as follows:

An act for the relief of James W. Cowen and others,

And find the same truly enrolled,

Whereupon,

The Speaker signed said bill.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

On motion of Mr. Huntington,

The committee of the whole to which was committed the bill to amend an act making promissory notes, bonds and inland bills of exchange negotiable and assignable, approved Jan. 29, 1818;

Were discharged from the further consideration thereof.

*Ordered*, That said bill be engrossed and read a third time tomorrow.

On motion of Mr. Howell,

The committee of the whole to which was committed the bill

to provide for the printing and distribution of the laws of the present session of the General Assembly, was discharged from the further consideration thereof.

Mr. Wallace moved to amend said bill by striking out so much thereof as requires said laws to be printed in alphabetical order; Which motion did not prevail.

Said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Bigger,

The committee of the whole to which was committed the joint resolution concerning the State Library, was discharged from the further consideration thereof.

On motion of Mr. Bigger,

The two blanks in said joint resolution, were filled with the No. 3.

Said joint resolution was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Huntington,

The committee of the whole to which was committed the bill to establish a point in the Fredericksburgh and Terre-Haute state road, was discharged from the further consideration thereof, and

On motion of Mr. Huntington,

Said bill was recommitted to a select committee of one member,

Whereupon,

Mr. Huntington was appointed that committee.

On motion of Mr. Huntington,

The committee of the whole to which was committed the engrossed bill of the Senate, giving validity to certain contracts, was discharged from the further consideration thereof.

Said bill was read the third time.

Mr. Clark moved to lay the same on the table;

Which motion did not prevail.

Mr. Brown of L. moved to postpone the further consideration thereof indefinitely.

Pending that question,

On motion of Mr. Bigger,

Said bill was laid on the table.

Mr. Kilgore moved to discharge the committee of the whole to which were committed the engrossed bill of the Senate and bill of the House, for the apportionment of a Senator and Representatives in the counties and territories therein named, from the further consideration thereof;

Which motion did not prevail.

The House then resolved itself into a committee of the whole on said bills, and some time spent therein, the Speaker resumed the chair and Mr. Steele reported the same with one amendment, which was by striking out the bill of the House from the enacting clause;

Which was concurred in by the House.

On motion of Mr. Reid,

The title of said bill of the House was indefinitely postponed.

The question was then put, shall the engrossed bill of the Senate last named be read a third time to-morrow?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Bradbury, Brady, Brown of L., Brown of T., Clark, Colerick, Davenport, Davis, De Pauw, Dunn, English, Evans, Fairman, Foster, Gookins, Guard, Hardesty, Hughes, Huntington, Kilgore, M'Bean, Nichols, Pearson, Piercy, Smith of F., Smith of K., Snapp, Stafford, Thornberry, Vance, Wallace, Willett, Wright of P., Yocom and Palmer, Speaker  
—37.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Bennett, Brackenridge, Carter, Craig, Crume, Dorsey, Dunning, Ferguson, Fields, Fowler, Guion, Hargrove, Howell, Jones, Kelso, Leslie, Levenworth, M'Donald, Monroe, Moore, Parker, Reid, Smith of R., Steele, Stuart, Thompson, Vandever, Williams, Wilson, Woodruff, and Wright of P. and D—33.

So said bill was ordered to be read a third time to-morrow.

Mr. Hardesty asked and obtained leave of absence for himself until next Tuesday.

Mr. English from the joint committee of enrolled bills, report, that they did on this day present to the Governor for his approval and signature,

An act authorizing the commissioners of Vermillion county to appropriate money in the county of Parke,

And then the House adjourned until to-morrow morning at 9 o'clock.

## SATURDAY MORNING, DECEMBER 21, 1833.

The House met pursuant to adjournment.

Mr. Kelso presented a petition of George Land and others, of Switzerland county, praying a change in part of the state road leading from New York in said county to Versailles in Ripley county;

Which was read and referred to a select committee of Messrs. Kelso, Smith of R. and Guion.

Mr. Guard presented a petition of Jonathan Blasdel and oth-



ers, praying for the location of an state road from a point on the line dividing this state from Ohio, where a direct line from Cincinnati to Indianapolis would cross the same, so as to intersect the state road leading from Lawrenceburgh to Indianapolis, at or near Washington Wright's in Manchester township Dearborn county;

Which was read and referred to a select committee of Messrs. Guard, Dunn, and Guion.

Mr. Dorsey presented a petition of P. F. Tuley and others, of Floyd county, praying that fines for non-performance of militia duty be raised;

Which was read and referred to the committee on military affairs.

Ms. Steele presented a petition of William Wright and others, praying the location of a state road from Milton in Wayne county to Muncietown in Delaware county;

Which was read and referred to a select committee of Messrs. Steele, Stanford and Kilgore.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate has passed engrossed bills of the House of Representatives entitled acts as follows, to-wit:

An act to locate the Connersville and Brookville state road;

An act to authorize the location of a state road from Marion county to Sparks' ferry in Jackson county;

An act for the relief of Robert W. Todd; with amendments to each.

An act for the relief of John Hollowell, sen'r.; and

An act for the benefit of persons who are likely to suffer by the destruction of the records of Spencer county; without amendment.

The Senate has also passed engrossed bills, joint resolutions, and memorials, which originated in the Senate, entitled as follows, to-wit:

An act to amend an act entitled "an act to locate a state road from Delphi in Carroll county to Crawfordsville in Montgomery county," approved February 1, 1831;

An act to establish a state road from Dayton in Tippecanoe county to the Michigan road in Clinton county;

An act to establish a state road from Rising Sun to Lawrenceburgh in Dearborn county;

A joint resolution relative to the appointment of officers of the General Government to offices in Indiana; and

A memorial and joint resolution relative to the improvement of a harbor at the mouth of Trail creek, on Lake Michigan, in the state of Indiana.

In which bills, joint resolutions, and memorials of the Senate, and the amendments proposed to the bills of the House, the concurrence of the House of Representatives is requested.

The amendments made by the Senate to the engrossed bills of the House named in said message, were severally read and agreed to.

*Ordered*, That the clerk inform the Senate thereof.

The engrossed bills, memorial and joint resolution of the Senate, named in said message, were severally read the first time and passed to a second reading.

Mr. Thompson from the judiciary committee to which was referred a resolution on that subject, reported a bill to amend an act entitled an act to provide for the commissioning of sheriffs and coroners and regulating their duties, approved January 27, 1824;

Which was read the first time and passed to a second reading.

Mr. Thompson from the same committee to which was referred a resolution on that subject, reported a bill to amend an act entitled "an act to provide a fund for the support of common schools," approved February 2, 1832;

Which was read the first time and passed to a second reading.

Mr. Smith of F. from the committee on the judiciary to which was referred a resolution on that subject, reported a bill to amend an act entitled "an act to regulate the practice in suits at law," approved January 29th, 1831;

Which was read the first time and passed to a second reading.

Mr. Smith of F. from the same committee to which was referred a resolution on that subject, reported a bill to extend the provisions of an act entitled "an act for the relief of insolvent debtors," approved February 9th, 1831;

Which was read the first time and passed to a second reading.

A message from the Governor by Mr. Maguire his private Secretary:

**MR. SPEAKER:**

I am requested by the Governor to inform the House of Representatives that he did, on this morning, approve and sign bills of the following titles, viz:

An act for the relief of James W. Cowan and others, and

An act authorizing the commissioners of Vermillion county to appropriate money in the county of Parke;

Both of which originated in the House of Representatives.

Mr. Wright of P. made the following report:

The committee on roads to whom the petition of William Moore and others, were referred, and the remonstrance of William McCord and others, on the subject of changing a part of the state road running from Montezuma in Parke county to Crawfordsville in Montgomery county, have had that subject under consideration, and direct me to report, that it is inexpedient to grant the prayer of the petitioners, and ask to be discharged from any further consideration of the subject;

Which was read and concurred in, and the committee discharged accordingly.

Mr. Reid from the select committee to which was referred the petition of Richard Smith and others on that subject, reported a joint resolution of the General Assembly of the state of Indiana, relative to the removal of the pension office;

Which was read the first time and passed to a second reading.

Mr. Brady made the following report:

The select committee to whom was referred the memorial of Geo. Smith on the subject of the public printing, have according to order had that subject under consideration and now report, that upon examining the documents filed in the Secretary's office, discover that the bid of Messrs. Maguire and Bolton is lower than that of the petitioner Geo. Smith, and therefore the committee are of opinion that Maguire and Bolton are justly entitled to the public printing in the manner it has been let to them, and now ask to be discharged from the further consideration of that subject;

Which was read and the committee discharged.

Mr. Steele asked and obtained leave to withdraw from the files of the House the memorial of George Smith heretofore presented to this House.

Mr. Howell from the select committee to which was referred a resolution on that subject, reported a bill to amend an act entitled "an act regulating the taking up of animals going astray and water crafts and other articles of value adrift," approved February 9th, 1831;

Which was read the first time and passed to a second reading.

Mr. Stanford from the select committee to which was re-committed the engrossed bill to incorporate the Levenworth manufacturing company, reported the same with one amendment which was by adding to the first section the following proviso: "*Provided*, That the General Assembly may at any time after the expiration of ten years from the passage of this act, alter or amend the same."

Mr. Stanford moved to amend said amendment by striking out the word "ten," and inserting in lieu thereof the word "twenty;"

Which motion did not prevail.

The amendment reported by the select committee was then concurred in.

*Ordered*, That said bill be engrossed and read a third time on Monday next.

Mr. Angle from the select committee to which was re-committed the bill to incorporate the Wabash manual labor college and Teacher's seminary, reported the same back to the House with sundry amendments;

Which were read and concurred in generally.

*Ordered*, That said bill be engrossed and read a third time on Monday next.

Mr. Dunning from the joint committee of enrolled bills reported that they have compared the enrolled with the engrossed bills entitled as follows:



An act to legalize the election and proceedings of the trustees of the 12th congressional township of range one west;

An act to legalize the election of trustees for the Patoka Baptist church in the county of Gibson;

An act in addition to an act entitled "an act to incorporate the town of New Albany," approved February 3d, 1832;

An act to amend an act entitled an act for the safe keeping of prisoners committed under the authority of the United States into any of the jails of this state and for other purposes, approved January 26th, 1818;

An act to amend an act entitled "an act to relocate a part of the Martinsville, Danville, and Frankfort state road and for other purposes," approved February 2d, 1832:

An act to establish a state road from Bloomington in Monroe county to Morgantown in Morgan county, and

An act for the benefit of William D. Rooker of the county of Marion; and had the same truly enrolled.

Whereupon, the Speaker signed said bills.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

Mr. English from the joint committee of enrolled bills reported that they did on yesterday present to the Governor for his approval and signature an act for the relief of James W. Cowan and others.

On motion of Mr. Wright of P.,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of providing by law in all convictions of criminals for capital offences, that the execution of them shall be privately; with leave to report by bill or otherwise.

On motion of Mr. Brady,

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of so amending the revenue law as to make it the duty of the inhabitants subject to pay state and county tax, to meet the collector of the state and county revenue at the usual place of holding elections in the several townships in this state, upon a day or days certain, for the purpose of paying their taxes, and of subjecting any delinquent to the payment of mileage to the collector for travelling to collect the same; with leave to report by bill or otherwise.

On motion of Mr. Smith of F.,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of giving the circuit court a discretionary power to grant a change of venue in criminal cases upon affidavit filed by the defendant, stating that in consequence of the prejudice of the people of the county in which such case is pending, he believes he cannot obtain a fair trial in such county.

On motion of Mr. Williams,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of altering the times of holding, and length

of the courts in the second judicial circuit within the county of Floyd to set two weeks at each term if necessary; and report by bill or otherwise.

On motion of Mr. Clark,

*Resolved*, That the committee on roads be instructed to enquire into the expediency of so amending the present road law, as to make it the duty of the boards doing county business in granting reviews on public roads or favorable reports made by any three viewers, and where there are objections to the same, that the said boards shall appoint five to make such review; and report by bill or otherwise.

Mr. Guion moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of amending the act regulating fees and salaries, so as to allow grand and petit jurors in the circuit courts each one dollar per day: also to enquire into the propriety of making a reduction on recorder's fees; and report by bill or otherwise.

Mr. Wallace moved to amend the same by striking out "one dollar," and inserting in lieu thereof "fifty cents."

Mr. Evans moved to amend said amendment by striking out so much as relates to a reduction of recorder's fees.

Mr. Howell moved to lay said resolution and proposed amendments on the table;

Which motion was decided in the negative.

The question was then put on the motion of Mr. Evans,  
And decided in the negative.

On motion of Mr. Brown of T.,

The amendment proposed by Mr. Wallace was amended so that said committee be instructed to "regulate" instead of "reduce" the fees, &c.

The question recurring on the amendment proposed by Mr. Wallace as amended,

Mr. Hargrove called for a division of the question, when,

On motion of Mr. Smith of R.,

Said resolution and proposed amendment were indefinitely postponed.

On motion of Mr. Dunning,

The resolution offered by him and laid on the table on the 4th inst., relative to the interest of money, was taken up; when Mr. Dunning so modified said resolution as to direct the committee to enquire into the expediency of repealing the 3d section of the act regulating the interest of money, &c.

And on the question to adopt the same,

It was decided in the negative.

Mr. Carter moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the act regulating the fees and salaries of the several officers and persons therein named,

approved February 7, 1831, as to reduce the fees of the several officers mentioned in the first section of the said act.

Mr. Smith of F. moved to amend the same so as to make the reference to a select instead of the judiciary committee.

Mr. Kelso moved to postpone the further consideration of said resolution and proposed amendment indefinitely;

Which motion did not prevail.

On motion of Mr. Bigger,

The amendment proposed by Mr. Smith of F. was amended as follows: "And also enquire into the expediency of reducing the pay of officers of the militia of the State of Indiana in time of peace; and report by bill or otherwise.

The question was then put on the motion of Mr. Smith of F., as amended, and passed in the affirmative.

On motion of Mr. Pearson,

Said resolution was further amended so as to except "recorders and jurors;"

And then the House adjourned until Monday morning at 9 o'clock.

## MONDAY MORNING, DECEMBER 23, 1833.

The House met pursuant to adjournment.

Mr. Smith of F. presented a petition of Isaac Limpus and others, praying a state road from the point where the state road leading from Brookville to Rushville crosses White Water, to the town of Louisville in Henry county;

Which was read and referred to a select committee of Messrs. Smith of F., Willett, and Reid.

Mr. Bradbury presented a petition of Wm. Baker and others, praying the location of a state road from Milton in Wayne county to Muncietown in Delaware county;

Which was read and referred to the same select committee to which was heretofore referred a petition on the same subject.

Mr. Colerick presented a petition of John Green and others, praying the location of a state road from South Bend to the state line between this state and Illinois on the direction to the rapids on the Illinois river;

Which was read and referred to a select committee of Messrs. Colerick, M'Bean, and Brown of T.

Mr. Stanford presented a petition of Ira Bailee and others, praying a state road from Knightstown in Henry county to Freeport in Shelby county;

Which was read and laid on the table.

Mr. Angle made the following report:



The committee of elections to which was referred a resolution of the House directing an enquiry into the propriety of so arranging an act approved January 17th, 1831, allowing as many constables in each township as there are justices of the peace in the same, so as to have as many constables in the county as justices of the peace, and that no more constables shall be elected in any town than there are justices of the peace in said town, have had the same according to order under consideration and now report, that in the opinion of said committee no legislation is necessary on that subject at this time, and ask to be discharged from the further consideration of the subject;

Which was read and the committee discharged accordingly.

Mr. Crume made the following report:

The committee of ways and means to whom was referred a resolution of this House, directing them to enquire into the expediency of so amending the act entitled an act to license and regulate taverns and groceries, approved February 3d, 1832, as to give the board doing county business discretionary power to take into consideration the situation together with the capital employed by the applicant in groceries, and to levy a tax accordingly, not less than three nor more than ten dollars, have according to order had that subject under consideration, and directed me to report that in their opinion it is inexpedient to legislate on that subject at this time;

Which was read and concurred in.

Mr. English from the joint committee of enrolled bills, report, that they did on the 21st inst. present to the Governor for his approval and signature bills as follows:

An act authorizing Miles M'Daniel to apply for a writ of ad quod damnum to establish a mill on big Pigeon creek in Posey county;

An act to incorporate the Evansville and Lafayette rail road company;

An act for the relief of James M'Coy of Marion county;

An act to vacate the town of Sarah in the county of Fountain;

An act to establish a state road from Rockville in Parke county to Bowlinggreen in Clay county;

An act to amend an act entitled an act to appropriate part of the three per cent. fund, approved January 31, 1833;

An act to locate a state road from Fort Wayne in Allen county up and along the west side of the little St. Joseph river to the state line on its eastern boundary.

Mr. Kilgore from the judiciary committee to which was referred a resolution on that subject, reported a bill to amend an act entitled an act to provide for the appointment of a circuit prosecutor and defining his duty, approved January 20, 1831;

Which was read the first time and passed to a second reading.

Mr. Dunning from the judiciary committee to which was referred a resolution on that subject, reported a bill to amend an act

entitled an act to regulate the mode of doing county business in the several counties of this state, approved January 19th, 1831;

Which was read the first time and passed to a second reading.

Mr. Wright of P. from the judiciary committee to which was referred a resolution on that subject, reported a bill to amend an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Parke county, approved Dec. 28th, 1832;

Which was read the first time and passed to a second reading.

Mr. Bramwell from the committee on roads to which was referred a resolution on that subject, reported a bill to repeal a certain act now in force and for other purposes;

Which was read the first time and passed to a second reading.

Mr. Steele made the following report:

The committee on roads to which was referred the petition and remonstrance of sundry citizens of Parke county in relation to changing a state road which is now located from Greencastle in Putnam county to the middle stake of section thirty, town fifteen, have had the same under consideration and are of opinion that said change ought not to be granted: therefore deem it useless to further legislate on the same at this time;

Which was read and concurred in by the House.

The Speaker laid before the House the following annual report of the Commissioner on the Michigan road.

[See Appendix B.]

Which was read, when

Mr. Fowler moved to refer the same to a select committee to consist of one member from each of the counties through which said road passes.

Mr. Stanford moved to amend said motion to commit so as to refer said report to the committee on roads instead of a select committee;

Which motion passed in the affirmative.

Said report was accordingly so referred.

On motion of Mr. Thompson,

Ordered, That 300 copies of the same be printed for the use of the members of the House.

On motion of Mr. Smith of K.,

Mr. Huntington had leave of absence from the service of the House until to-morrow.

Mr. Evans made the following report:

The select committee appointed by a resolution of this House to enquire into the expediency of memorializing Congress for the relief of persons therein named, have had the same under consideration and report a memorial and joint resolution for the relief of William Bilsland, and ask further time to report as to the other person named in said resolution.

Said joint resolution was read the first time and passed to a second reading.

Mr. Kelso from the select committee to which was referred a resolution on that subject, reported a bill extending the jurisdiction of justices of the peace in actions of trespass and replevin to fifty dollars;

Which was read the first time and passed to a second reading.

Mr. Steele from the select committee to which was recommit-  
ted a resolution and report on that subject, reported a bill to amend  
an act entitled an act to provide for the appointment of a circuit  
prosecutor and defining his duties, approved January 20, 1831;

Which was read the first time and passed to a second reading.

On motion of Mr. Levenworth,

Mr. Parker was added to the select committee to which was  
committed the bill for the inspection of whisky, &c.

On motion of Mr. Vandever,

Mr. Carter was added to the same committee.

On motion of Mr. English,

Mr. Kelso was added to the committee on the judiciary.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate has passed an engrossed bill of the House of Repre-  
sentatives entitled "an act to locate a state road from the Michigan  
road to Vernon;" without amendment.

The Senate has also passed an engrossed bill and joint resolu-  
tion of the Senate entitled as follows, to-wit:

An act to establish a state road from Bloomington in Monroe  
county to Spencer in Owen county, and

A joint resolution on the subject of improving the navigation of  
the Ohio river at the Falls.

In which bill and joint resolution of the Senate the concurrence  
of the House of Representatives is requested.

The engrossed bill and joint resolution of the Senate named in  
said message were severally read the first time and passed to a se-  
cond reading.

Mr. Depauw after having obtained leave presented a petition  
of Daniel Fetter, administrator of the estate of James Hughes,  
dec'd., praying an act to authorize the recorder of Sullivan coun-  
ty, Indiana, to record an addition made to the plat of the town of  
Merom in said county, by said Hughes in his life time;

Which was read and referred to a select committee of Messrs.  
Depauw, Huntington, and Smith of K.

The House resumed the consideration of the resolution offered  
by Mr. Carter relative to a reduction of the fees and salaries of  
officers, pending at the adjournment on Saturday last;

And on the question to adopt the same,

It was decided in the negative.

On motion of Mr. Vandever,

*Resolved*, That the committee on the judiciary be instructed to



enquire into the expediency of repealing the 8th section of an act regulating the taking up of animals going estray and water crafts and other articles of value adrift, approved February 9th, 1831; also the 14th section of said act so far as prohibits any person from taking up estray animals; with leave to report by bill or otherwise.

Mr. Bennett moved the following resolution:

*Resolved*, That the committee of ways and means be instructed to enquire into the propriety of so amending the act to license and regulate taverns and groceries, approved February 3d, 1832, as to authorize the clerks of the several counties in this state to grant permits to persons who may wish to establish groceries in vacation of the meetings of the courts doing county business in the same manner as permits are now granted to tavern keepers; with leave to report by bill or otherwise.

On motion of Mr. Gookins,

Said resolution was amended by the addition of a clause directing the applicant to first procure the necessary recommendation of freeholders, &c.;

And as amended, the same was agreed to by the House.

On motion of Mr. Brackenridge,

*Resolved*, That the committee on the judiciary enquire into the expediency of amending an act to regulate the mode of summoning and empannelling grand and petit jurors, so as to leave it discretionary with the board doing county business at the time a selection of jurors is made to draw and designate either twelve or twenty-four petit jurors for each week of the circuit court, so that the circuit or probate court shall have the power of issuing a venire to supply any defect therein or want thereof, or any neglect on the part of the board doing county business, and further to regulate the manner of making up any deficiency in the regular pannel.

On motion of Mr. Leslie,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of authorizing the qualified electors of the state of Indiana to express on their ballots on the first Monday in August next whether they will or not call a convention to amend the constitution of said state; with leave to report by bill or otherwise.

Mr. Bigger moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of authorizing and empowering any *feme covert* who shall have attained the age of eighteen years, to relinquish her right to dower in real estate; with leave to report by bill or otherwise.

Mr. Smith of F. moved to amend the same by striking it out from the resolving clause and inserting in lieu thereof the following:

"That the committee on the judiciary be instructed to enquire

into the expediency of authorizing *feme coverts* under the age of twenty-one years to join with their husbands in the conveyance of any interest in real estate owned by such husband, and to render the relinquishment of dower by any such *feme covert* valid."

Mr. Wright of P. moved to amend said amendment by adding the following:

"And that real property that a *feme covert* has at the time of her marriage shall not be liable to pay the debts of her husband contracted by him previous to their marriage;"

Which motion passed in the affirmative;

And thereupon the amendment proposed by Mr. Smith of F., as amended, was agreed to by the House.

Mr. Pearson moved further to amend the resolution by adding the following:

"And also to enquire into the expediency of enabling the husband to hold the land of the wife as tenant by the courtesy, where no issue is born;"

Which motion was determined in the negative;

And on the question to adopt the resolution, as amended,  
It passed in the affirmative.

Mr. Brown of L., after having obtained leave, presented a bill to amend an act entitled an act to regulate the mode of doing county business in the several counties of this state, approved January 19, 1831;

Which was read the first time and passed to a second reading.

Mr. Bigger, after having obtained leave, presented a bill to amend the act entitled "an act relative to crime and punishment," approved February 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Kilgore, after having obtained leave, presented a bill authorizing the opening of a part of the Newcastle and Lafayette state road, in Delaware county;

Which was read the first time and passed to a second reading.

Mr. Bennett, after having obtained leave, presented a bill to establish an asylum for the poor of the counties of Franklin, Fayette, and Union;

Which was read the first time and passed to a second reading.

Mr. Howell, after having obtained leave, presented a joint resolution of the General Assembly relative to the public lands;

Which was read the first time and passed to a second reading.

Mr. Kelso, after having obtained leave, presented a bill to amend an act entitled an act dividing the state into judicial circuits and fixing the times of holding courts therein, and for other purposes, approved February 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Wilson, after having obtained leave, presented a joint resolution on the subject of education;

Which was read the first time and passed to a second reading.

Mr. Willett, after having obtained leave, moved the following resolution:

*Resolved*, (the honorable Senate concurring.) That the General Assembly will adjourn on the 24th inst. to meet again on the 30th of the present month.

Which was read, and before any question was had thereon,  
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment,

And proceeded to consider the orders of the day.

The bill to provide for the election of a justice of the peace in the town of Gosport in Owen county;

The bill to amend an act entitled an act to provide for the location of a certain state road therein named, approved January 24th, 1832;

The bill to amend an act to provide a fund for common schools, approved February 2d, 1832, and

The memorial and joint resolution of the General Assembly of Indiana for an appropriation to improve the navigation of the Wabash and White rivers,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The bill to amend an act regulating the practice in suits at law;  
Was read the second time, when,

On motion of Mr. M'Donald,

The latter clause thereof, declaring it in force from its passage, was stricken out.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The bill to repeal an act entitled an act for the encouragement of education, approved February 2d, 1833,

Was read the second time.

The question was then put, shall said bill be engrossed and read a third time,

And the ayes noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bennett, Bramwell, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Crume, Davenport, Davis, Dorsey, Dunning, English, Evans, Ferguson, Fields, Foster, Gookins, Guion, Hargrove, Howell, Hughes, Kelso, Kilgore, Kiser, Leslie, Monroe, Nichols, Noble, Reid, Smith of F., Smith of R., Snapp, Stafford, Stanford, Stuart, Thompson, Vance, Vandever, Williams, Woodruff, Yocom, and Palmer, Speaker—47.



*And those who voted in the negative, are*

Messrs. Bigger, Bradbury, Brady, Dunn, Edwards, Fairman, Fowler, Guard, Jones, Levenworth, M'Bean, M'Donald, Moore, Smith of K., Steele, Thornberry, Willett, Wright of P., Wright of P. and D.—19.

So said bill was ordered to be engrossed and read a third time to-morrow.

Engrossed bills and memorial and joint resolution of the Senate of the following titles, to-wit:

A bill to amend an act entitled an act to locate a state road from Delphi in Carroll county to Crawfordsville in Montgomery county, approved February 1st, 1831;

A bill to establish a state road from Dayton in Tippecanoe county to the Michigan road in Clinton county;

The bill to establish a state road from Rising Sun to Lawrenceburgh in Dearborn county, and

A memorial and joint resolution relative to the improvement of a harbor at the mouth of Trail creek on Lake Michigan in the state of Indiana,

Were severally read the second time and ordered to be read a third time to-morrow.

The engrossed joint resolution relative to the appointment of officers of the General Government to offices in Indiana,

Was read the second time.

Mr. Howell moved to lay the same on the table,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bramwell, Brown of L., Brown of T., Carter, Clark, Craig, Crume, Davis, De Pauw, Dorsey, Dunning, Edwards, English, Fairman, Ferguson, Fields, Foster, Guard, Hargrove, Howell, Hughes, Kilgore, Kiser, Levenworth, M'Bean, Monroe, Moore, Nichols, Noble, Pearson, Stuart, Thornberry, Vandever, Williams, Woodruff, Yocom, and Palmer, Speaker—39.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Brady, Davenport, Evans, Fowler, Gookins, Guion, Jones, Kelso, Leslie, M'Donald, Parker, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Thompson, Vance, Willett, Wilson, Wright of P., Wright of P. and D.—29.

So said joint resolution was laid on the table.

The bill to amend an act entitled an act to provide for the commissioning of Sheriffs and coroners and regulating their duties, approved January 7th, 1824:

Was read the second time.

On motion of Mr. Thompson,

Said bill was amended by inserting after the clause which directs sheriffs to note in their return the fact of the party's being absent an uncertain length of time, these words, to-wit: "if apprised of the same."

Mr. Hargrove moved to commit the said bill to a select committee;

Which motion did not prevail.

On motion of Mr. Thompson,

Said bill was committed to a committee of the whole House for to-morrow.

The bill to amend an act entitled an act regulating the practice in suits at law, approved January 29, 1831,

Was read the second time.

On motion of Mr. Bigger,

The same was committed to a committee of the whole House for to-morrow.

The bill to extend the provisions of an act entitled an act for the relief of insolvent debtors, approved February 9th, 1831,

Was read the second time.

On motion of Mr. Crume,

Said bill was amended by striking out so much as relates to criminals paying their fines in jail at <sup>the</sup> rate of fifty cents per day.

Mr. Clark moved further to amend the same by adding thereto the following: "That the penal debtor shall be bound to work out his fine by working on public streets or roads under the direction of the board doing county business;"

Which motion did not prevail.

Mr. Willett moved to postpone the further consideration thereof indefinitely,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Bigger, Bradbury, Carter, Clark, Davis, Dorsey, Dunn, English, Evans, Fields, Foster, Guard, Howell, Jones, Levenworth, Moore, Noble, Reid, Smith of K., Smith of R., Snapp, Steele, Stuart, Thornberry, Vandever, Willett, Woodruff, Yocom, and Palmer, Speaker—30.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Bennett, Brackenridge, Brady, Bramwell, Brown of L., Brown of T., Colerick, Craig, Crume, Davenport, De Pauw, Dunning, Edwards, Fairman, Ferguson, Fowler, Gookins, Guion, Hargrove, Hughes, Kelso, Kilgore, Kiser, Leslie, M'Bean, M'Donald, Monroe, Nichols, Parker, Pearson, Smith of F., Stafford, Stanford, Thompson, Vance, Williams, Wilson, Wright of P., and Wright of P. and D—41.

So said bill was not indefinitely postponed;  
 And before any further question was had on said bill,  
 On motion of Mr. Kilgore, (the consent of the House being  
 obtained thereto,)

Mr. Kiser had leave of absence from the service of the House  
 until Monday next.

And then the House adjourned until to-morrow morning at 9  
 o'clock.

## TUESDAY MORNING, DEC. 24, 1833.

The House met pursuant to adjournment.

The Speaker laid before the House the following annual report  
 of the canal commissioners:

*To the General Assembly of the State of Indiana:*

The canal commissioners respectfully report, that they received information early in March last, that the General Assembly of Ohio, by a joint resolution passed near the close of their session, had invited the State of Indiana to select the canal lands on the Maumee river, between the state line and the termination of the canal at lake Erie. They were further informed that the largest portion of these lands was in market and selling rapidly. That the Ottoway reserve, a district of country recently purchased of the Indians, and embracing the extensive water privileges at the Wolf rapids, would soon be exposed for sale.

The laws of this state having made it the duty of the canal commissioners to adjust finally, with the general government, and select the lands accruing to Indiana for canal purposes. They addressed a letter to the Commissioner of the General Land Office, and proposed to him that they would by an order of their board, adopt the canal route, embracing this division of the Wabash and Erie canal, as marked, surveyed, and returned to the War Department by H. Stanbury, United States civil engineer, and filed in the office of the Secretary of the State of Indiana.— That they would ascertain and forward the notes of the intersections of the canal line with the lines of the surveys of the public lands, with correct plats of the canal route, provided he would consider such measures sufficient to authorize a selection of the lands for the State of Indiana; and also, the request that he would suspend the sales of the lands for five miles in width on each side of the Maumee river, as had been done in a similar instance and by his predecessor in office, until the selection could be made.— Copies of this communication with a request that they would transmit the Ohio resolutions to the Commissioner of the Gen.



eral Land Office, were sent to the executive of Ohio and Indiana, soliciting their aid in relation to this subject; which was cheerfully and efficiently afforded. The Commissioner of the General Land Office did not consider himself authorized to suspend the sale of lands, but in his reply, which was a copy of his letter to Governor Noble on the same subject, stated that he considered the resolutions of Ohio sufficient to authorize Indiana, by such agents as she might specially appoint for that purpose, to cause any line of canal she might adopt, to be connected with the sectional lines of the public surveys, and that so soon as such connections were made, an authenticated plat thereof, and of the act recognizing such canal line, should be transmitted to the General Land Office, the particular sections to be set apart for the purpose of aiding the construction of the canal, would be designated. Through the exertions of Governor Noble the suspension of the sale of these lands was afterwards obtained.

In order to facilitate the selection as far as possible, maps of the lands have been procured from the land offices in Ohio, and the necessary number of copies can be made in the office of the canal commissioners during the present winter.

From the decision of the commissioner of the General Land Office, it appears that before a selection of the lands can be made, that the canal route from the Indiana State line to its termination at the Maumee Bay, will have to be located and the location adopted by an act of the General Assembly of this state. To save the expense and time of making a definite location by a corps of engineers which perhaps would be unnecessary from the uncertainty in relation to the construction of this part of the line, whether it shall be made by the State of Ohio, an incorporated company, or by the State of Indian, it is respectfully suggested, that if the location of that part of the Wabash and Erie canal made by H. Stanbury, United States engineer be adopted, it would answer all the purposes necessary for the designation of the lands. On reference to the memoir of the location of said canal route filed in the office of the Secretary of State, it will be perceived that two lines of the canal have been estimated, one on each side of the Maumee river, and that the route preferred and designated as the best to be adopted, commences at the intersection of the Wabash and Erie canal with the Indiana state line, on the south side of the Maumee river, thence down the valley of the south side, to within about a mile above the town of Defiance in Ohio, thence across the Maumee river to the north side, thence down the valley of the north side to the termination of the canal in the Maumee Bay of lake Erie.

The intersections of the canal route with the sectional lines of the public surveys can only be correctly ascertained, by a surveyor and party, which will probably, involve an expense of five or six hundred dollars. There are many papers, notes of surveys, &c. in relation to these lands and that part of the canal

line, in the office of the canal commissioners at Fort Wayne, which will be useful in making the survey, which will of course be delivered to any person who may be appointed to perform this service, or if it should be deemed expedient the canal commissioners can dispatch a party, to make the surveys, early in the spring or sooner if the winter be mild. The maps procured from Ohio shew that a considerable portion of the lands on the Maumee have been sold. Many of those tracts will of course, when the selections shall have been made, fall in the sections which will be set apart for the share of the state. To have the quantity designated for canal purposes as early as practicable, and before the lands will be exposed to sale; the propriety of memorializing Congress to authorize the selection of an equal amount of any of the government lands in the State of Ohio, in lieu of those which have been thus sold, so soon as the quantity can be ascertained, is respectfully suggested.

It has been peculiarly gratifying to witness the zeal manifested by Governor Lucas of Ohio, for the successful prosecution of the canal in Indiana, and its extension to the Lake in Ohio.

In accordance with the provisions of the act of the General Assembly of last session, the remainder of the summit section, fifteen miles in length, was put under contract on the 15th of May last, and has progressed with reasonable rapidity.

During the past season, whenever the engineer party could be spared from the supervision of the line under contract, they have been employed in making surveys and explorations, preparatory to the permanent location of the line down the Wabash, between the mouths of Little river and the Mississineway. It had been hoped that sufficient time could have been devoted to this subject, to have enabled the engineer to have made a correct estimate of the cost of this part of the line, at least, if not have proceeded further westwardly than the points named: but this could not have been accomplished without the employment of an additional assistant engineer and party, which would have involved more cost, than had been contemplated to be applied, during the present year to any purpose, other, than the actual construction of the work.

In April and May last it appeared difficult if not impracticable for the canal contractors to procure the requisite number of hands to carry on the work with sufficient rapidity to ensure its completion within the stipulated time, or render the cost of superintendence to bear an economical proportion to the amount of labor done, which varies but little in given time, whether more or less labor be performed on the same length of canal line. The price of labor had so advanced that many of the contractors informed the commissioners that they could not finish more than one section of their jobs, and would be compelled to abandon the others. The May letting had been advertised and the scarcity of hands and high prices of wages was operating in a way to increase to an

alarming extent, the prices for which the new contracts were likely to be taken. Under these circumstances the commissioners were reduced to the necessity of seeing the work proceed slowly in its operations, with the moral certainty of a great increase of the ultimate cost of its completion, or adopt such course as would procure the necessary number of hands. They preferred the latter, and directed Mr. Lewis to proceed to Buffalo, and other places in New York, to hire and when necessary, pay the passage and expenses of the requisite number of hands for the canal line, under engagements to labor at \$13 per month, and have the amount advanced for their passage money &c. deducted from the first they earned. A number of Irish and German emigrants were brought to the canal; and part of the money so expended was in this manner re-embursed. An agent was also sent at the same time to visit a number of the counties in the interior of this state, and on the Ohio river, to set up advertisements, and prevail with as many laborers to come to the line as he could engage.

The provision to re-emburse the amount advanced was insufficient to pay the whole sum expended, and left the balance of \$387 30, which has been paid as other ordinary canal expenditures. At the time the measure was adopted there were but two hundred and five laborers on the line, and during the quarter from March to June the amount paid to contractors was but \$4,788 40. The payments in the next quarter amounted to \$26,447 08, in the quarter from Sept 1st to Nov. 30, to \$34,813 13. The good effects of the measure were therefore immediately visible. It had its influence on the letting at Huntington in May last; so much so, that the contracts were taken at similar prices with those, which had been before let. This was very desirable, for if it had been otherwise, the new contractors being able to pay higher wages than the others, would have compelled them to abandon their contracts. The advantages of the measure have not ceased. Emigrants in great numbers resort to Buffalo, and other places along the Lake shore. Before these laborers were engaged to come to the canal line, the attention of those emigrants was turned to other places. Since then from the correspondence kept up by those on the line with their friends at a distance, numbers have been induced to come to the canal seeking a residence and labor.

The measure in this way leads to the belief that it will be useful in future operations. That it has been productive of much good — was indispensable for the prosecution of the canal, and has saved many thousands of dollars in the cost of its construction the board cannot doubt.

Late in the fall season an application was made from a large number of the citizens of Carroll, Tippecanoe and the counties adjoining, convened at a meeting for that purpose, for an examination of a canal route from the mouth of Eel river, to be made on the south side of the Wabash to ascertain the practicability of



constructing a canal on that side; and the difference of cost with the location on the north side of the river. This request was so far complied with as to direct the principal engineer to visit that section of country, and make such general observations as could be obtained by passing over it without the aid of a locating party. No opinion of course, of the preference of one side of the river over the other could be formed from such a cursory examination or estimate of the cost of either, except that both sides of the river are entirely practicable for a canal to be constructed to any point on the Wabash which may be desired. It cannot be determined on which side of the river the canal ought to be constructed, before minute examinations are first made by a corps of engineers, and a comparison of costs from careful estimates. When these shall be obtained, the decision will be a subject for the consideration of the General Assembly and not of a board of canal commissioners. There are without question, a large number of the citizens of the state interested in the construction of the canal on the south side of the Wabash, and if it should be deemed necessary to have such examinations made, as would be sufficient to form a comparison of the cost, the canal commissioners will employ an additional assistant engineer and party, the next year, to make the surveys.

On reference to the engineers report which is appended to this communication, and referred to, it will be perceived that the whole thirty-two miles of the middle division of the canal, as authorized by law, is under contract;  $5\frac{1}{2}$  miles ready for the admission of the water, and  $3\frac{1}{2}$  more substantially completed, with the exception of trimming the banks, which the board deemed unnecessary to have performed on account of the lateness of the season, and consequent exposure of newly constructed banks of earth to the influence of winter rains and frosts, and that the residue of this division is so far advanced in its progress, that it may be completed with little exertion.

Early in the spring many of the contractors in addition to the present number, will have finished their jobs, and be out of employ unless more of the line be put under contract. It cannot be the interest of the state, to have any number of the contractors leave their service. They have their tools in hand, and materials for their operations collected which will enable them to take contracts at lower rates, than persons destitute of such preparations. A great advantage will be derived from giving them employ from the fact of the commissioners being acquainted with them and the opportunity of placing contracts in experienced and energetic hands.

To render that part of the line of much value which is now constructing, it will be necessary to complete the canal from the bank of the Maumee, to the point on the Wabash, where a feeder will be received below the mouth of the Mississineway, a distance in the aggregate of sixty miles, including the part of the line now

under contract. To accomplish this purpose, it will be necessary to let 32 or 33 miles of new line, the cost of constructing which, will not exceed \$350,000. So soon as this length of canal shall be completed, some benefit may be expected to be derived from the tolls, as well as the advantages which will accrue from the easy means afforded for transportation of freights. A considerable portion of the merchandize brought from New York to the towns on the Wabash, is carried along the line of the canal over a bad road from Fort Wayne at the head of the Maumee. A part of the same trade passes by way of Chicago in Illinois. When sixty miles of canal navigation shall be substituted for the same distance of the worst kind of road, it is fair to suppose, that the canal will command the entire amount of this trade, and restore to its natural channel the portion which now passes through Illinois. A considerable amount of business will be done in the transportation of salt; which is now brought from the lake up the Maumee, and thence down the Wabash. When the canal shall be completed as far as is here contemplated, this commerce will be much increased. Another item of freights may be expected in the beef, pork and flour of the Mississineway river. This stream is navigable 80 or 100 miles, and now floats off a considerable amount of produce which is sold on the Wabash.

So soon as this market ceases, which must soon take place from the improvement of the country, this description of trade will naturally seek a market at the Lake which always affords a better one than New Orleans, and can be reached from the Mississineway in less time, and at less expense.

If the present contractors be not employed in the spring they will leave the state, with many mechanics who have come to the vicinity of the canal in expectation of employ. It has cost two years' time and the expenditure of a large sum to collect the means for extending the canal operations which will be lost if any delay takes place in giving authority to construct another portion of the line. Thirty-two miles may be put under contract the next year, without lessening the competition amongst the contractors, so as to cause the work to be taken at high prices, either on account of labour or provisions. During the latter part of the season the number of labourers on the line was respectable: the most of them have left it for their homes but will return in the spring with an accumulation to their numbers, from the districts where they reside. The difficulties which were experienced in engaging them on a new work have been overcome, and it may be reasonably expected, that but little inconvenience will arise from this cause, in the operations which may be hereafter carried on. The canal is so situated in regard to the inland counties of this state, that it affords the nearest market for the surplus provisions. This is the situation of Randolph, Wayne, Delaware, and Hamilton counties; which with the easy means of transportation afforded by the St. Mary, the St. Joseph, the Maumee, Mis-

Missineway, and Wabash rivers, render them comparatively cheap when a demand is created. During the last year when probably twice the quantity was used than any preceding one, their prices were much lower than they had been within the last five, and the supply more abundant. To commence this part of the line next year, will have the tendency to diminish the proportion between the cost of superintendence and the amount paid on contracts for constructing them. The principal engineer could give a general superintendence to a greater length of canal line than the portion now under contract, and the necessary assistants and parties may be employed for a small sum. Its prosecution next year is highly necessary; it would give value to the canal lands; it would induce their rapid sale, and improvement would render the portion of canal now constructing useful and productive, and inspire confidence in its successful completion.

That part of the canal which is urged to be put under contract the next season may be finished in two years, and the cost ultimately met from the proceeds of the canal lands. Since they were classed and rated in 1832 the value of the quantity set apart for the state has been fully known. From a careful valuation of each 80 acre tract made at that time they amounted to

22,228.58 acres; first rate	\$3.50	\$77,800 03
91,614.12 " second "	\$2.50	\$229,035 30
107,543.03 " third "	\$1.50	\$161,315 20
		<hr/>
		\$468.150 62
There was sold in 1830	41,931.41 acres for	71,038 85
In Indian reserves	91,000 acres, worth pr acre \$3,	273,000 00
		<hr/>
		\$812.189 47
Amount received for interest,		11,475 38
		<hr/>
Total value of lands,		\$826,664 85

In the above estimate the lands in the Indian reservations have been added, from the confident belief that they will be worth as much at least, and even more, when sold. It is considered that no detriment will be sustained, from their being held, by the Indians for two or three years, and of course kept from sale. Within that time they will be induced to sell; from the amount of population and number of hands which the commencement of this part of the canal will draw to their immediate vicinity. The interest received up to this time has also been added to the amount, because the interest which has accrued on the loan of \$200,000 has to the present been more than met in the premium which was obtained from the sale of the stock. In making up the preceding estimate, the difference between the prices which was obtained at the public sale in October, 1832, over the rated valuation or mi-



nimum price of each tract was not added. It is however a considerable sum, and will be more than equivalent to the value of the tracts which will not sell at \$1 50 per acre. As the canal is located in the centre of the lands, and none of them more than five miles from it, there can be but a small quantity which will not in a short time be worth that sum per acre.

Having seen that the lands will produce \$826,000, it needs no argument to prove that the interest of the state would be best subserved in authorizing a vigorous prosecution of the work, to the extent which can be met, by the monies which will be produced from the sales of the lands.

The canal operations may be safely extended to an amount not exceeding \$600,000, and a loan of \$400,000 may be authorized without application to the treasury, for the payment of the interest or principal, and without resort to taxation.

The entire amount of the loan will not be required until two or three years from this time, and it is believed that the interest on sales of the lands, the premium which 6 per cent. stock would command, with the tolls, sales of water privileges, &c. would meet the interest as it would accrue; and even if a small part of the purchase money of the sales of the canal lands should have to be applied for two or three years in the payment of the interest on the loan, the great advantage of a vigorous prosecution of the work, would more than compensate for the amount, which would be thus appropriated. The propriety therefore of a loan of \$400,000, and the authority to put under contract the next year, such an amount of the line of the canal, as can be completed without having the whole cost expended in the construction of the canal exceed the aforesaid sum of \$600,000, is respectfully suggested.

It will be necessary to repeal the provision of the canal law which limits the commissioners of the canal fund, to only receive money from the loans they negotiate, to the extent of the balances due from the purchasers of the canal lands, and leave the subject to their discretion, to supply such an amount of funds as the progress made in the construction of the canal, will require.

Great confidence is felt that the middle division will be finished for the original sum estimated by Mr. Ridgeway in 1830, which reflects great credit on the accuracy of his judgment. The commissioners have much satisfaction in being able to state that these thirty-two miles when completed will compare creditably in the manner of their construction, with canals in other states, and made as cheaply as any other of the same length.

In the operations of the canal, it has been a primary object with the board, to have the labourers secured in their pay, and a provision has accordingly been inserted in each contract, that when hands have moneys due them, for labour done on any section, for which the contractor refuses to pay, the board of commission-

ers, or commiesioner of contracts, have power to appoint the engineer superintending the work, or other suitable person agent, to enquire into the matter alleged, and if moneys on such enquiry are found to be due to the labourer his receipt to the agent for the pay of such labour is a good voucher against the contractor for the amount due him in his contract. Similar provisions have prevailed in nearly all the states, where canals have been made, and found to be necessary in such operations.

In one instance the accidental death of a contractor occurred where a considerable sum was due to his hands. The administrators of his estate, very honorably paid the amount. But cases of a similar charactor might arise, and the propriety of giving preference by law, to labourers, for sums due them for work on a canal contract, out of any moneys due on such contract, to the deceased contractor, is respectfully suggested; and provisions to be added to the laws now in force in relation to the canal, to prevent persons from riding on horseback without leave, or travelling with carriages on the towing path: to authorize the canal commissioners to purchase small tracts of lands for the state, where water privileges will be sold, for the purpose of leasing for the erection of buildings, &c.; and to offer at public sale after they shall have been classed and rated, all such tracts of canal lands as may have been or shall be forfeited for non-payment of interest.

A blank contract with the notice of the engineer to bidders, with rules to be observed, &c. is appended, and referred to, as elucidating the diligence used in securing a faithful performance of the work. On reference to the contract, it will be perceived, that great care has been taken to have specified prices for every part of the work which can be anticipated. But in works so varied as the construction of a canal, in which, from the nature of things, alterations in plans must take place, important and delicate duties devolve on those to whom the charge of superintendence is committed. This is particularly the case in respect to the principal engineer, who estimates the amount of labour performed; determines the amount of extra work, and is the final umpire in the decision of all claims between the contractors and canal commissioners as agents of the state. His operations have been conducted with judgment and skill in his profession. Much benefit has been derived from his suggestions in slight changes in location of the line, and alterations in some of the mechanical structures, by substituting plans as permanent, and less expensive, in place of those which had been originally adopted.

The commissioners feel assured, that the duties assigned him, in the Engineer department, aided with the industry and ability of Messrs. Vorhies and Wilson, his assistants, have been judiciously and satisfactorily discharged.

During the year ending November 30, 1833, 17,710.97 acres

of the canal lands have been sold for the sum of \$42,959 64, being at an average of \$2 43 cents per acre. Five tracts have forfeited for non-payment of interest. The receipts and payments, for the same time, have been as follows:

### RECEIPTS.

By cash received for sales of canal lands for 1833,	\$12,013 45
By cash on account of interest in advance,	6,466 97
Cash for payments in full on canal lands,	1,162 38
Cash from commissioners of canal fund,	73,066 80
	<hr/>
	\$92,709 60

### PAYMENTS.

To cash paid for contingent expences, including pay of hands, rodman, instruments, boarding of assistant Engineers and hands, stationary, office rent, &c. &c.		\$2,845 28
Cash paid salary of J. L. Williams, Engineer,	\$1,800 00	
do. L. B. Wilson, Assis't. Engineer,	382 50	
do. C. G. Vorhies do.	367 50	
	<hr/>	\$2,550 00
do. D. Burr,	\$670 00	
do. Saml. Lewis,	652 00	
do. J. Vigus,	148 00	
do. John Scott,	530 00	
	<hr/>	2,000 00
Cash paid to canal contractors		66,746 13
do. paid commissioners of canal fund,		18,110 19
do. in the hands of John Scott,		458 00
		<hr/>
		\$92,709 70

All of which is respectfully submitted.

D. BURR	}	Com'rs of the Wabash & Erie Canal.
SAML. LEWIS,		
JOHN SCOTT,		

Indianapolis, Dec. 24th, 1833.



## [ APPENDIX. ]

ENGINEER'S OFFICE,  
FORT WAYNE, DEC. 6, 1833. }

*To the Board of Commissioners of the Wabash  
and Erie Canal.*

GENTLEMEN—In compliance with your request, the following statement in relation to the progress made in the construction of the Wabash and Erie canal, and the operations of the Engineer Department thereon, is respectfully submitted.

Sections No. 3, 8, and 12 of the St. Joseph feeder, and No. 3, 6, 9, 11, 20, 21, and 22 of the main line, making in the aggregate a little more than five and a half miles of land, have been completed and are now ready for the admission of the water. Sections No. 10 and 11 of the feeder, and No. 8, 10, 12, 13, and 18 of the main line, embracing three and a half miles, are so nearly finished as to require little more than the labour of trimming the banks. All the remaining contracts, with the exception of four light sections, have been commenced, and on some of them, more than half the labour has been performed. About twenty-eight miles of the line have been grubbed and cleared, and 500,000 cubic yds. of earth removed. One aqueduct over Spy run has been completed, and the foundations of two others are laid. Ten culverts from 10 to 24 feet span, one waste weir 150 feet in length, for the passage of Marais du Perches, and two road bridges, have been completed.

The construction of the canal at the St. Joseph Bluff, which is the most expensive as well as the most exposed point, on the middle division, has been prosecuted with much energy. About four-fifths of the labour necessary at this difficult pass, has been performed, and the whole of the embankment, with the exception of ten rods in length, is protected from the abrasion of the river floods.

The abutments of the St. Joseph dam have been completed, and a part of the materials for the body of the dam, are on the ground. As one season was believed to be too short a time for the completion of the whole work, and as the dam in an unfinished state would be likely to receive injury from the high water, it was deemed prudent to delay the commencement of that portion of the work most exposed, until after the freshets of the ensuing winter and spring. The commencement and progress of this structure has disclosed a more unfavourable foundation than was anticipated; in consequence of which, a greater expenditure than was contemplated in the first estimates, will be required before the work can be considered permanent. This additional expense is included in the estimates now presented.

The locks are not so far advanced, as most other heavy jobs;

yet, with proper exertions on the part of the contractors, they can be finished by the expiration of the contracts. Where stone suitable for building perfect cut stone locks, can be procured, that plan is preferred, from a conviction that it not only forms the most complete lock, but is also the most economical plan, if reference be had to the cost of future repairs. Careful examinations were therefore made, and several quarries partially opened, with the hope of finding stone that would answer for cut stone masonry, but without success. Stone sufficiently large and firm for building strong undressed walls, are found very convenient to the point where most of the locks are located. Under these circumstances, a plan of building with stone and wood combined has been recommended. Upon this plan the walls are to be built of uncut stone laid so as to give the necessary strength and stability to the lock; the face of the walls to be made water tight by a lining of plank properly secured to the stone work with iron rods. A lock upon this plan will be but little inferior to a cut stone lock, and decidedly preferable to one built entirely of wood. Locks No. 2, 3, and 4 will be built upon this plan. Lock No. 1, in consequence of its remote situation from the stone quarries, will be constructed entirely of timber.

Agreeably to a decision heretofore made by your board, the canal, when completed, will be 40 feet wide at the surface, and 4 feet deep, and the locks will be 90 feet long and 15 feet wide in the chamber, corresponding with the canals of New York, Pennsylvania, and Ohio. But while these dimensions are maintained as the minimum size of the canal, it is believed to be good policy to increase both its width and depth, wherever this can be done without adding materially to the cost. Accordingly, a considerable portion of the canal will exceed 60 feet in width and 6 feet in depth—a circumstance which will be favourable to the rapid and easy passage of boats. For the performance of various kinds of work on the line, such rules have been prescribed as are deemed important to the permanence of the work, and which, it is supposed, will have an effect to reduce the cost of future repairs.

The total estimated value of labour performed from the commencement up to the 23 November last, is \$80,728 73

Estimated cost, at contract prices, of completing  
the whole line now under contract, 127,307 74

---

\$208,036 47

To which add 10 per cent. for superintendence  
and contingencies, 20,803 64

---

\$228,840 11

Mr. Ridgway's estimate for the middle division  
Was 235,950 00

To which should be added the cost of section No.  
1 east, not included in that estimate, 4,586 90

210,536 90

Shewing a saving from that estimate of

\$11,096 79

It will not be expected that the cost of the canal can be determined with precision until it is actually completed. It is possible that some of these contracts may be abandoned and re-let at higher rates, and in that case the cost of such sections will be increased in proportion to the advance in the prices. Besides this, the quantities of excavation and embankment when correctly made out from the cross levels, as they are on the completion of the work, are not in all cases exactly the same as were given in the previous estimates, calculated from a single line of levels. Although these causes may add something to the estimate now presented, it is believed that the cost will still come within the original estimates. This opinion is strengthened by a comparison of the actual cost of the sections which have been finished, with the former estimates for the same work.

The ten finished sections above named have cost, according to the final settlement of accounts, the sum of \$19,922 73. The cost of the seven nearly finished sections, which is now so correctly ascertained that it cannot be materially changed, is \$27,263 03. To these sums should be added \$800, to cover the cost of graveling the towing path, an item of work which it was thought best to omit until it can be performed with boats, but which was included in former estimates. The aggregate of these sums, to wit: \$18,086 96, shew the actual cost of constructing these seventeen sections, embracing a little over nine miles of canal. By reference to the Engineer's report of the 18th December, 1830, it will be seen that the same sections were estimated to cost the sum of \$51,252 87, shewing a saving of \$6,166 51, which is equal to 11½ per cent. nearly.

In pursuance of directions received from your board, the Engineer corps have employed as much of their time, during the past season as could be spared from the superintendence of the contracts on the middle division, in making examinations on the adjoining portion of the western division, with a view to its final location. The Wabash river has been gauged at the several points from which it is supposed that feeders will be required; and such levels and surveys have been taken as are necessary to show the prominent features of the line, and to establish the general principles of the location. The time which could, with propriety, be devoted to this service, without employing other assistants, was too limited to effect a survey as minute and careful as is necessary to a correct estimate of the cost.

In determining the location, it is a consideration of the first importance that the various levels be so placed as to secure to each an ample supply of water. The St. Joseph feeder, which is introduced on the summit level, will supply a considerable length of line in addition to that now under contract, and will be available



ble either for the eastern or western division. But as this stream is the principal tributary of the Maumee, and is relied upon in part for the supply of the line in the Maumee valley, prudence requires that no more of its waters should be diverted from the east to the west side of the summit, than is unavoidably necessary. It will therefore be proper in progressing westward with the location, so to arrange the levels as to receive a feeder from the Wabash near the point where the canal first approaches that stream.

A favourable point for introducing a feeder from the Wabash has been selected about a half a mile below the mouth of Little river, where by a dam eight feet high the waters of that stream can be turned into the canal. The bottom of the stream and one of its banks, at the point selected, are formed of solid rock. The discharge of the Wabash at this point, at extreme low water, has been ascertained to be about five hundred cubic feet per minute. This, however, will be considerably increased after the canal shall have been put in operation, by the water which will escape from the upper levels, through the banks, a portion of which will reach the bed of the stream. By this augmentation, together with some aid from the St. Joseph feeder, drawn through the summit section, a sufficiency of water will be provided to supply the canal to the point where another feeder can be received, a distance of eleven miles.

About a half a mile below the mouth of the Salamonie, another feeder will be introduced from the Wabash, by means of a dam 6 feet high, which may also be constructed on a solid rock foundation. The minimum discharge of the river after receiving the Salamonie, as ascertained by measurements taken the 29th of August last, is 1860 cubic feet per minute, which with care in the construction of the dam, will be adequate to the supply of the line at least as far as the mouth of the Mississineway, a distance of near nineteen miles.

At some point not far below the Mississineway, another feeder from the Wabash will be necessary—the precise point for which has not been determined, but must be decided by future examinations. It is supposed that a rock foundation can be obtained for the dam. The discharge of the river, at a point one and a half miles below the junction of the two streams, was estimated on the 30th August last, at 6740 cubic feet per minute, a quantity fully adequate to the supply of the lower part of the line. As the last summer is known to have been a season of extreme drouth the measurements of the river at the several points as here given, may be taken as the minimum discharge. The fact that all the dams on the Wabash will be founded on solid rock, is highly favourable to the permanence of the work, and will render the navigation less subject to interruption than is ordinarily the case.

The distance from the termination of the present contracts to the mouth of the Mississineway, according to former surveys, is about

thirty miles, and the amount of lockage is 74 feet. The principal items of expense on this sub-division, are the high washed banks, formed by the immediate contact of the river and the bluffs which define its valley, leaving no intermediate space on which to construct the canal. At these points the canal will be made by forming an artificial embankment in the river, and protecting it with stone, from the operation of the floods. As stone for this purpose is very convenient, immediately at the points where they will be required, no fears need be entertained in regard to the ultimate security of the canal. The aggregate length of these bluffs, requiring stone protection, on the whole distance of thirty miles, is one mile and thirty-six chains. The greater part of the line is unusually favorable, requiring only excavation and embankment of the plainest character.

Very few streams of any considerable size are to be crossed on this sub-division. The largest is Clear creek, which will require a water way 100 feet in width by 6 feet in height. The next in magnitude is Woodworth's creek, which will be crossed with an arch of 24 feet chord. Besides these two, there are no streams which will require a greater span than 16 feet, and very few over 10 feet span. Stone suitable for building culverts and other similar works, are found convenient to the line.

In the course of the examinations it has been ascertained that an advantageous change of location can be made by leaving the immediate valley of the Wabash about four miles above the Salamonina, and following a depression in the high ground, which extends for several miles in a direction parallel with the river, and about one mile from it. By this deviation, two expensive rocky bluffs, washed by the river, have been avoided. The change will extend for four and a half miles, by which a saving in expense of near \$20,000, will be effected, without increasing the length of the line.

Respectfully submitted.

J. L. WILLIAMS, *Engineer.*

**THIS AGREEMENT**, made and concluded this      day of  
in the year      between      party of the first  
part, and the Canal Commissioners of the State of Indiana, for and  
on behalf of said State, of the second part, WITNESSETH: That the  
said party of the first part contracts and agrees to construct, in a  
good, substantial, and workmanlike manner, all that part of the  
line of the Wabash and Erie Canal, which is included in section  
reference being herein had to the location and map of said  
line made by      engineer, agreeably to the following plan,  
that is to say: First, in all places where the natural surface of the  
earth is above the canal and where the line requires excavation,  
all the trees, saplings, bushes, stumps, and roots shall be grubbed  
and dug up at least sixty      feet wide; that is      on the

towing path side of the centre, and                      wide on the opposite of the centre of the Canal, and together with all logs, brush and wood of every description, shall be moved at least twenty feet beyond the outward line of said grubbing on each side; and on the space of twenty feet on each side of the said grubbing, all the trees saplings, bushes, and stumps shall be cut down close to the ground, so that no part of any of them shall be left more than one foot in height above the natural surface of the earth, and shall also, together with all logs, brush and wood of every kind, be removed entirely from said space. And the trees, saplings, and bushes shall also be cut down fifteen feet wide on each side of said space so to be cleared, and also all trees which in falling will be liable to break or injure the banks of the Canal, and wherever the situation of the line may require the grubbing, low chopping and clearing shall be extended in breadth, so far that no uncleared land may be occupied by the embankment or excavation. And no part of the trees, saplings, brush, stumps, wood or rubbish of any kind, shall be felled, laid or deposited on either of the sections adjoining this contract. Second: The canal and banks shall be so constructed and formed, by excavation or embankment, as either or both may be necessary, in order to bring the same to the proper level, as designated by the engineers or either of them, in the employment of said Commissioners so that the water may in all places, be at least forty feet wide in the canal at the surface, twenty-six feet wide at the bottom, and four feet deep: Each of the banks shall be at least two feet perpendicular measurement, above the top water line; and such a slope shall be preserved on the inner side of the banks, both above and below the top water line, that every foot perpendicular rise in said banks shall give a horizontal base of one foot nine inches: The towing path shall be at least ten feet wide at its surface, and shall be raised to such height above the top water line as may be designated by the engineer, and wherever a difference in the elevation of the towing path shall occur, the ascent or descent shall be such as may be directed by the engineer: The towing path shall be smooth and even, shall be composed of the best materials which the adjoining excavation will furnish, and shall be so constructed that the side next the canal will be six inches higher than the opposite side, at the surface with an uniform and regular slope, so that the water may run off from said path: In all cases where the materials excavated shall raise a spoil bank on either side of the canal, above the exterior surface of the canal banks, it shall be placed so far from the edge of the canal as to give room for a ditch to be made eight feet wide in the bottom, and two feet deep, between said spoil bank and the towing path, or bank opposite as the case may be, and sluices or passages for the water shall either be left or cut through said spoil bank as often as the engineer having charge of the work may direct, so that the water may drain off freely from the banks in an opposite direction from the canal: The bank opposite the



towing-path shall in no place be less than six feet wide at the surface, and shall be smooth and even, and shall be four inches lower at the back than on the face of the bank: and neither of the banks shall have a slope of lesser base in proportion to its height on the outer than on the inner side, except when there is a redundancy of stuff increasing the width of the bank beyond the requisition aforesaid. All loose and porous materials, and those which are perishable or permeable to water shall occupy the outer extremities of the banks, and for the distance of at least ten feet, measured outwardly from the extremity of the top water line on each side, the bank shall be composed both above and below the top water line, of the most pure, solid, compact & water tight earth, which the adjoining excavation can supply, and no vegetable mould, muck, leaves, roots, grass, weeds, herbage, logs, sticks, brush, or any other substance of a porous and perishable nature, shall be left, laid or in any way admitted into the said space of 10 feet last described, and no wood of any description shall be admitted into any part of the banks. Third: In all cases of embankment, & where the bottom line of the canal is as much as two feet above the naturable surface of the earth, all the trees, bushes, saplings, and stumps, on the space occupied by the canal and its banks shall be cut close to the ground, and together with all logs, brush and wood of every description, shall be removed from a space of at least 45 feet wide on each side of the centre of the canal; and from a strip 15 feet wide under each bank, to be so situated that the outer side of said strip shall be perpendicularly under the outer extremity of the banks, all the trees, bushes, stumps and roots shall be thoroughly grubbed, and together with all the logs, brush, roots, grass, herbage, vegetable and porous earth, shall be removed entirely without said bank, so that the banks may unite securely with the solid earth beneath. And in all cases where the natural surface of the earth is below the surface of the water in the canal, a muck or public ditch shall be dug under the centre of each bank, of the depth and width which may be directed, in order to guard effectually against leakage.

And the said party of the first part, further covenants and agrees to build, found and erect, in a good, substantial and workmanlike manner, Lock No.        conformably to the plan and specification for the same, exhibited at the time of receiving proposals for constructing the work included in this contract.

And the said party of the first part, further covenants and agrees to erect and build, in a good substantial and workmanlike manner, all and any such aqueducts, culvert or culverts, in such place or places, on said section No.        and of such materials, form, dimensions and plan, as the commissioners, or either of them, the principal engineer, or any other engineer in the employ of the commissioners, may direct.

And the said party of the first part, further agrees to build and

erect, in a good, substantial and workmanlike manner, road bridge on said section No. agreeably to a plan to be furnished therefor by the principal engineer, or other engineer having charge of the work; to raise the necessary embankments at the ends of said bridge, and in all respects finish the same for the free and safe passage of teams and carriages, agreeably to the direction of said engineer.

And it is mutually agreed, that all the works on said section or appertaining thereto, shall, during their progress, at all times be subject to the examination and careful inspection of the canal commissioners, or any engineer, or agent of the board, employed for that purpose. And the party of the first part shall conform to such rules as to the manner of doing any and all of the various kinds of work necessary for the construction of a canal on said section, works or devices connected therewith, as may, from time to time, be given or prescribed by the commissioner of contracts, or any engineer having charge of that part of the line, and the said party of the first part further agrees, at all times, to conform to any alteration, or deviation from the present canal line, or level, and to any alteration in the plan, form, or manner of constructing the canal, or any of the works or devices connected therewith or appertaining thereto, which may be prescribed or directed by the commissioner or any engineer having charge of the work. And it is further agreed that the work specified in this contract, or contemplated thereby, shall be fully completed by the party of the first part, by the day of

And to prevent all disputes and misunderstandings between the parties, it is mutually agreed that or some other competent engineer, to be selected by said commissioners, or the commissioner of contracts on this part of the line, shall be the inspector of said works, and shall decide whether they have been performed agreeably to the requisitions of this agreement and the instructions given as aforesaid by the commissioner of contracts, or engineer.

And it is further agreed that if, in the opinion of said inspector, the party of the first part shall refuse or neglect to prosecute the work specified in this agreement in such a manner as to give reasonable assurances of its full completion by the time herein specified therefor, or shall neglect or refuse to conform to such rules and instructions as may be given in relation to the manner of doing the work, or to such alterations in the line, level or plan of constructing the canal, as may be made agreeably to the stipulations of this agreement, or shall perform, or suffer to be performed, any part of the work in an unfaithful or unworkmanlike manner, the said inspector shall in either case have power to determine that this contract is abandoned and forfeited by the party of the first part, and such determination shall absolve the second party from every obligation imposed on them by this agreement: And the said commissioners may immediately thereafter proceed to dispose

of the said section in the same manner as if this contract never existed. And it is further agreed, that whenever this contract, in the opinion of the inspector aforesaid, shall have been completely performed, in every respect, by said party of the first part, (provided the same shall be done by the time specified,) the said inspector shall certify the same in writing under his hand, together with his estimate of the amount of the various kinds of work herein specified, which shall have been done under this contract, which estimate shall be final between the parties: and thereupon the said commissioners hereby covenant and agree to pay, within ten days after notice of said certificates and estimates, to the said party of the first part, the sum which, according to this contract, shall be due, agreeably to said estimates of the engineer, at the following rates or prices, to-wit: For the grubbing and clearing, per chain of four poles in length

cents: For earth excavation, estimating all earth necessarily excavated between and under the banks, including loose pieces of rocks or stones of less than two cubic feet, (which are to be estimated as excavations) per cubic yard

cents: For excavation of loose or detached pieces of rock or stones, (those only to be estimated under this item which are over two cubic feet each,) per cubic yard

cents: For excavation of all solid rock which may occur in this contract per cubic yard

cents: For each cubic yard of full embankment necessarily made, (to be measured in the bank,)

cents: For each cubic yard of single embankment, (to be measured in the bank,)

cents: Provided, that when any embankment is or can be formed, in whole or in part, from the earth necessarily excavated in the construction of the adjoining parts of the canal, nothing shall be allowed for such embankment, or such part thereof as is or can be so formed, unless the earth to form the same shall be necessarily removed over one hundred feet. For excavation of lock pit per cubic yard

cents. For excavation of aqueduct or culvert pit per cubic yard

cents. For puddling around lock, aqueduct or culvert per cubic yard

cents. For gravel in lock cribs or in abutments per cubic yard

cents. For gravel for towing path, when the same has to be removed over one hundred feet, per cubic yard

cents. For embankment around lock, per cubic yard

cents. For square timber in lock cribs per cubic foot

cents. For square timber in aqueduct or culvert per cubic foot

cents. For timber in foundation of lock, per cubic foot

cents. For timber in foundation of aqueduct or culvert, per cubic foot

cents. For round ties in abutments and lock cribs per foot, run

cents. For aqueduct trunk per foot, run

cents. For pavement of stone about lock, aqueduct, or culvert per perch, of

16½ cubic feet

cents. For protection of loose stone on canal banks per perch of 16½ cubic feet

cents. For the bridge



framed, raised and floored,        dollars. For lock gates and miter sills, complete with all the necessary fixtures,        dollars. And whenever the grubbing, clearing, excavation of any of the different kinds herein specified, embankment, or any other work to be done under this contract, shall be increased or diminished by conforming to any alteration of the line, level, or plan of the work now made, agreeably to the direction of the commissioner of contracts, or any engineer having charge of the work, as herein before agreed, the quantity or amount of such increase or diminution of any or all the kinds of work herein specified, shall be estimated by said inspector agreeably to the foregoing rules, and the sum to be paid to the contractor shall be increased or diminished accordingly, agreeably to the rates and prices herein before specified.

It is further expressly agreed, that the party of the first part shall constantly superintend in person the work herein specified, and all parts thereof, (except so far as sickness or other unavoidable accident may prevent,) and a failure to do so shall be considered and adjudged a forfeiture and abandonment of this contract on part of the said party.

It is further mutually agreed, that at any time when in the opinion of the inspector aforesaid, the party of the first part shall neglect or refuse to prosecute the work specified in this agreement, or any part thereof, so as to give a satisfactory assurance that it will be completed by the time stipulated herein, that the commissioner of contracts shall be authorized to appoint an agent to superintend said work, or such part thereof as he may deem proper. The agent so appointed shall be authorized to employ hands and to purchase the necessary materials for carrying on and completing all, or any part of the work to be performed under this agreement; and his receipt for money paid him by the commissioners shall be a good and sufficient voucher against the first part, and all money so paid to the agent shall be charged to, and on a final settlement of the accounts, deducted from the sum which under this agreement may be payable to the party of the first part.

And it is further agreed by the contracting parties, that during the progress of the construction of the work herein contemplated, estimates shall be made by the engineer having charge of the work as often as the commissioner of contracts may deem necessary for the successful prosecution of the work; and the engineer shall give his certificate of the quantity or amount of labor which the party of the first part shall have performed necessarily under the stipulations and conditions of this agreement; and the party of the second part hereby agrees to pay, within ten days after notice of the estimate and certificate of the engineer shall have been made, to the party of the first part, one half of the amount, or sum, which, according to this contract, shall at the time be due ac-

cording to the estimates of the engineer, for the labor which shall have been performed.

It is also further agreed and understood by and between the parties hereunto, that the party of the first part is held liable for the payment of the wages of all laborers who may be employed on the jobs herein contracted, or on any works connected therewith, whether they be employed by the party of the first part, or by any sub-contractor or agent under the said party; and when, in the opinion of the commissioner of contracts, it may be necessary to secure to the laborers employed as aforesaid their wages, and he may think justice requires it, he is hereby authorized to pay to the said laborers the amount of their claims, and their receipts for the payment so made shall be good against the party of the first part.

And it is further agreed, that the party of the first part shall not permit any of the workmen employed in the construction of the work herein specified, to drink distilled spirits of any kind, under the liability of forfeiting this contract at the option of the party of the second part.

It is further understood, that all the stone quarried in excavating the canal, shall belong to the state of Indiana, unless used in constructing some of the works herein contemplated.

And it is further agreed, that the work embraced in this contract shall be commenced on or before the

In testimony whereof, we, the parties to this agreement, hereunto set our hands and seals, the day and year first above written.

(Signed Triplicates.)

[SEAL.]

[SEAL.]

[SEAL.]

## WABASH AND ERIE CANAL.

### NOTICE TO BIDDERS.

Propositions must state a price for each item of work given in the estimates, which will be understood as covering all expenses.

The price bid for grubbing and clearing per chain, will be understood to include the whole width necessary to be grubbed.

The price bid for excavation will be understood to include all the various kinds of earth which may be found in the section together with all detached which measures less than two cubic feet each.

The price bid for detached rock will apply to such as measure two cubic feet or upwards, and will include the cost of separating them from the earth and placing them on the berm side of the canal.

The price bid for excavating solid rock will include the cost of cording it on the berm bank of the canal.

The price bid for embankment must cover the whole cost of the work under the following regulations, to wit:

The bank will be measured in all cases after it has become fully compact; and where a bank is to be accepted before the earth is fully settled, the contractor will be required to raise it as much above the ordinary height as the commissioners or engineer may deem necessary. When embankments can be formed from contiguous excavation, they shall not be paid for unless the earth used be removed more than 100 feet; measuring in the direction of the canal. Embankments must be formed of the surplus excavations in adjoining portions of the canal, when this can be done without materially increasing the cost of the work. In full embankments where the ground is not more than two feet below the bottom of the canal, the engineer will place the banks so far apart as to give sufficient earth within them; and the contractor will be allowed to dig pits on the outside of the banks only when the commissioners and engineer may direct it. No extra allowance will be made for the necessary grubbing to procure earth for embankment. Embankments must in all cases be commenced at their full breadth on the base, and must be continued at full breadth as they advance in height, keeping the sides at least as high as the centre.

The commissioners and engineer must be understood as having the right to prescribe more in detail, the manner of forming embankments, and to give such rules in relation to placing the earth, as in their opinion will tend to increase its solidity and safety.

The price bid for excavating culvert, aqueduct, or cock pits, must cover the cost of bailing or pumping water when this may be necessary.

The price bid in gross for the lock gates will cover the cost of the cast iron paddle gates, together with every other necessary fixture.

The price bid for timber in lock foundation, will be exclusive of the cost of puddling.

The price bid for gravel in lock cribs, will include the cost of wetting and punching, so as to form good puddles.

The price bid for stone culverts will include the cost of centring.

Every part of the work connected with the canal will be subject to the most rigid inspection of the commissioners and engineers, and the contractors will be expected to conform in all respects to their directions.

Bidders to whom locks, aqueducts or culverts may be assigned if not themselves good mechanics, will be expected to employ one to superintend their structures who shall be approved by the commissioners or engineer.

The commissioners reserve the right of making any alteration



either in the canal line or level, or on the places of the work which further observation may shew to be necessary, and if such change shall increase the cost of the work, the amount of this increase shall be estimated by the principal engineer and paid to the contractor.

The quantities of excavation, embankment, &c. may upon a more careful examination, and measurement of the work, vary from those now exhibited, but this shall not furnish ground to claim an extra price per yard.

In cases where a contractor fails to prosecute his work in such manner as to afford satisfactory evidence that it will be completed by the time stipulated, the right is reserved to the commissioners to place an agent thereon, who shall employ hands and complete the work; the expense of which being charged to the contractors.

Contractors will be expected to superintend their work in person. The sub-contractors of a whole section or any important mechanical structure without the consent of the commissioners, will subject the contractor to the liability of forfeiting his contract at their option.

The contractors may procure their timber or other materials from the canal lands adjoining, or they can procure them elsewhere at their own expense. Should the individual owners of lands refuse to deliver materials or suffer them to be taken at reasonable prices, the commissioners will if they deem it necessary, authorize the contractors under the provisions of the canal law, to enter upon such lands, and take therefrom whatever may be required for the construction of the canal, the contractors being liable to pay the amount of damage which may be assessed under said law.

All mason work requiring the use of mortar or cement, must be laid between the 1st day of April and the 1st of October.

All work will be at the risk of the contractor until the job is finished and accepted.

Bidders are notified that no extra allowance in addition to the contract prices can in any case be made, and are requested to give the work a close examination so that they may judge correctly in regard to its value.

The work must be completed by the 10th Oct., 1834.

By order of the board of canal commissioners.

Signed,  
May 10, 1833.

JESSEL WILLIAMS, *Engineer.*

Which was read and referred to the committee on canals and internal improvements.

Mr. Wallace moved that 500 copies of said report be printed for the use of the members of this House.

Mr. Brown of T. moved to amend said motion so as to direct the

104  
printing of 1000 copies.

Which motion passed in the affirmative.

One thousand copies thereof was ordered to be printed accordingly.

Mr. M'Bean presented a petition of George Lyre and others, praying a change in the times of holding courts in the 8th Judicial Circuit;

Which was read and referred to the select committee to which the same subject was heretofore referred.

M. Dunning presented a petition of Nathan Padget and others, praying relief to said Padget;

Which was read and referred to a select committee, of Messrs. Dunning, Brown of L., and Stafford.

Mr. Nichols presented a petition of Peter M'Roberts and others, praying a change in the Mooresville, Danville and Crawfordsville state road;

Which was read and referred to the committee on roads.

Mr. Smith of R. presented a petition of Elizabeth Nowland, praying compensation for improvements made on the Indianapolis donation;

Which was read and referred to the committee on the affairs of the town of Indianapolis, with instructions to enquire into the expediency of reporting a general law on the subject.

Mr. Bradbury, from the committee of elections to which was referred a resolution on that subject, reported a bill to provide for an additional place of holding elections in the several counties in this State;

Which was read the first time, and passed to a second reading.

Mr. Crume made the following report:

The committee of ways and means to which was referred a resolution of this House, instructing them to enquire if a law is necessary to be passed, providing a mode of relief for resident citizens of this State, whose land or town lots may have been double listed and returned by the collector of any county to the school commissioner thereof as non-resident lands or town lots by their numbers, and to provide by law, a mode that said mistakes and false enlistments may be corrected before returns shall be made; have had the same under consideration, and a majority of said committee have directed me to report, that in their opinion it would be inexpedient to legislate on that subject at this time.

Which was read, and concurred in by the House.

Mr. Stuart from the committee of ways and means, to which was referred a resolution on that subject, reported a bill to authorize the collectors of the several counties in this state to assess and collect a tax on non-resident covering horses;

Which was read the first time and passed to a second reading.

Mr. Thompson made the following report:

The judiciary committee to which was referred a resolution of this House, directing an enquiry into the expediency of authorizing the several boards doing county business in this state, to allow all civil officers a reasonable compensation for travelling out of the county where an offence is committed, in case the offender is apprehended; have had that subject under consideration and have directed me to report, that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof;

Which was read; when,

On motion of Mr. Evans, said report was committed to a select committee, with instructions to report a bill favorable to the objects of the same,

Whereupon,

Messrs. Evans, Hughes, and Snapp, were appointed said committee.

Mr. Bramwell from the judiciary committee, to which was referred a resolution on that subject, reported a bill to amend an act entitled an act to regulate marriages; approved February 4th, 1831;

Which was read the first time and passed to a second reading.

Mr. Bigger from the Judiciary committee, to which were referred three several resolutions on that subject, reported a bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace; approved Feb. 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Wright of P. from the committee on education, to which was referred a resolution on that subject, reported a bill to amend an act entitled an act to establish a college in the State of Indiana; approved Jan. 24, 1828;

Which was read the first time and passed to a second reading.

Mr. Hargrove from the committee on claims, to which was referred a petition of Wm. C. Bramwell, reported a bill for the relief of the petitioner;

Which was read the first time and passed to a second reading.

Mr. Dorsey from the committee on claims, to which was referred a petition of George White, reported a bill granting relief to the petitioner:

Which was read the first time and passed to a second reading.

Mr. Ferguson from the committee on roads, to which was referred a petition on that subject, reported a bill to establish a state road from Liberty, in Union county, to the state line in the direction to Germantown, Ohio;

Which was read the first time and passed to a second reading.



A message from the Senate by Mr. Morrison, their assistant Secretary.

MR. SPEAKER,

The Senate has passed engrossed bills and joint resolutions of the House of Representatives entitled as follows, to wit:

An act authorising Moses and Job Matthews and company, to erect a mill-dam across little Pigeon creek, and for other purposes.

An act to amend an act entitled an act to incorporate the Monroe county female seminary; approved Jan. 28, 1833.

A joint resolution relative to the Tippecanoe battleground.

A joint resolution directing the secretary of state to furnish the county of Parke, eight copies of the revised code of 1831.

A memorial and joint resolution relative to the Louisville and St. Louis mail route, without amendment.

The Senate has also passed engrossed bills of the senate, or titled acts, to wit:

An act to authorize an asylum for the poor of the counties of Franklin, Fayette and Union.

An act to locate a state road from Danville, in Hendricks county, via Jamestown and Thorntown, in Boon county; to intersect the Indianapolis and Lafayette state road, at or near Prairieville, in Clinton county; and

An act to incorporate the Perry county seminary.

In which bills of the Senate the concurrence of the House of Representatives is requested.

The engrossed bills of the Senate named in said message, were severally read the first time and passed to a second reading.

Mr. Bennett from the joint committee on enrolled bills, reported that they have compared the enrolled with the engrossed bills, entitled acts as follows, viz:

An act for the relief of Robert W. Todd;

An act to locate the Connersville and Brookville state road;

An act to authorize the location of a state road from Marion county to Spark's Ferry, in Jackson county;

An act for the benefit of persons who are likely to suffer by the destruction of the records of Spencer county; and

An act for the relief of John Hallowell, sen;

All of which are found to be truly enrolled.

Whereupon,

The Speaker signed said bills.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Depauw from the select committee, to which was referred a petition of Daniel Fetter, Adm'r. &c., reported a bill to authorize the recorder of Sullivan county, to record a town plat therein named;

Which was read the first time and passed to a second reading.

Mr. Dunning from the joint committee of enrolled bills reported that they did, on the 21th inst., present to the Governor for his approval and signature, the following bills, to wit:

An act to amend an act entitled an act for the safe keeping of prisoners committed under the authority of the United States into any of the jails of this state, and for other purposes; approved Jan. 26th, 1818.

An act to legalize the election and proceedings of the trustees of the 12th Congressional township of range one, west.

An act to establish a state road from Bloomington, in Monroe county, to Morgantown, in Morgan county;

An act for the benefit of William D. Rooker, of the county of Marion.

An act to amend an act entitled "an act to relocate a part of the Martinsville, Danville, and Frankfort state road, and for other purposes;" approved Feb. 2d, 1833;

An act to legalize the election of trustees for the Patoka Baptist church, in the county of Gibson;

An act in addition to an act entitled "an act to incorporate the town of New Albany;" approved Feb. 3d, 1832.

Mr. Brady made the following report:

The select committee to which was referred the petition of William Warren and others, have according to order, had that subject under consideration, and now report the following resolution:

*Resolved*, That the committee of ways and means be required to allow the said William Warren two hundred dollars in the specific appropriation bill, to be paid out of the state treasury to said William Warren, as a state pauper;

Which was read and

On motion of Mr. Wallace,

*Ordered*, That the same do lie on the table.

Mr. Evans after having obtained leave, moved the following resolution.

*Resolved*, That the same select committee to which was referred the petition of George Lyon and others, on the subject of changing the time of holding courts in the 8th judicial circuit, be also instructed to enquire into the expediency of changing the time of holding courts in the first judicial circuit, and also of attaching the county of Carroll to the 1st judicial circuit, and that said committee report by bill or otherwise;

Which was read and adopted.

The House resumed the consideration of the resolution offered on yesterday, by Mr. Willett, on the subject of adjournment.

Mr. Wallace moved to amend said resolution, by striking out "30th of the present month," and inserting in lieu thereof "9th of January."

Mr. Kilgore moved to amend said proposed amendment, by substituting the first of December next, for the "9th of Jan."

A division of the question was called for, and thereupon put, on striking out,

And decided in the negative.

And before any further question was had thereon,

The House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment,

And proceeded to consider the orders of the day.

The consideration of the bill to extend the provisions of an act entitled an act for the relief of insolvent debtors; approved Feb. 9th, 1831, pending at the adjournment on last evening,

Was resumed, and

On motion of Mr. Kilgore, said bill was committed to a committee of the whole House for to-morrow.

The joint resolution of the General Assembly of the State of Indiana, relative to the removal of the pension office,

Was read the second time.

Mr. Leslie moved to insert before the clause representing Indianapolis to be the most convenient position for such office, and after the words "and whereas" these words: "Richard Smith and seventeen others, have represented to this General Assembly that:"

Which motion did not prevail.

Mr. Wilson moved to commit the joint resolution to the same committee who reported it.

Mr. Thompson moved to lay the same on the table;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Brackenridge, Brown, of L., Carter, Celerick, Craig, Dorsey, Dann, Dunning, English, Fields, Guion, Hargrove, Howell, Huntington, Leslie, Levenworth, M'Bean, Monroe, Moore, Parker, Smith of K., Smith of R., Snapp, Stuart, Thompson, Vandever, Wallace, Williams, Wilson, Wright of P., Wright of P. and D, and Palmer, Speaker—33.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Bennett, Bigger, Bradbury, Bramwell,



Brown of T., Clark, Crume, Davenport, Davis, De Pauw, Edwards, Evans, Fairman, Ferguson, Foster, Fowler, Gookins, Guard, Hughes, Jones, Kelso, Kilgore, Nichols, Noble, Reid, Smith of F., Stafford, Stanford, Steele, Thornberry, Vance, Willett, Woodruff, and Yocom.—36.

So the same was not laid on the table.

Mr. Carter moved to postpone the further consideration of said joint resolution indefinitely.

Mr. Willett called for the previous question, which was seconded by two members, and it was thereupon put, to wit:

Shall the main question be now put?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Brady, Bramwell, Brown of T., Clark, Colerick, Davenport, Davis, Depauw, Dunn, Edwards, Evans, Fairman, Ferguson, Foster, Fowler, Guard, Guion, Hughes, Jones, Kelso, Kilgore, McDonald, Nichols, Noble, Pearson, Reid, Smith of F., Stafford, Stanford, Steele, Thornberry, Vance, Willett, Woodruff and Yocom.—39.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Brackenridge, Brown of L., Carter, Craig, Crume, Dorsey, Dunning, English, Fields, Gookins, Hargrove, Howell, Huntington, Leslie, Levenworth, M'Bean, Monroe, Moore, Parker, Smith of K., Smith of R., Snap, Stuart, Thompson, Vandever, Wallace, Williams, Wilson, Wright of P. and D., and Palmer, Speaker.—32

So said previous question was decided in the affirmative.

The said main question was then put, to wit:

Shall said joint resolution be engrossed and read a third time?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Brady, Bramwell, Brown of T., Clark, Colerick, Crume, Davenport, Davis, De Pauw, Edwards, Evans, Fairman, Ferguson, Foster, Fowler, Gookins, Guard, Hughes, Jones, Kelso, Kilgore, Nichols, Noble, Pearson, Reid, Smith of F., Stafford, Stanford, Steele, Thornberry, Vance, Willett, Woodruff and Yocom.—38.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Brackenridge, Brown of L., Carter, Craig, Dorsey, Dunning, English Fields, Guion, Hargrove, Howell, Huntington, Leslie, Leverworth, M'Bean, M'Donald, Monroe, Moore, Parker, Smith of K., Smith of R., Snapp, Stuart, Thompson, Vandever, Wallace, Williams, Wilson, Wright of P. & D., and Palmer, Speaker—32.

So said joint resolution was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Wallace, it was

*Ordered*, That the chairman of the committee to which the subject of a State Bank was committed, be directed to have 2000 copies of a bill to establish a State Bank, printed for the use of the members of this House.

On motion of Mr. Davenport, Mr. Woodruff had leave of absence from the service of the House until Monday next.

On motion of Mr. Bigger, sundry documents transmitted to this House, by His Excellency the Governor, and laid on the table on the 14th inst., were taken up; when,

Mr. Bigger moved to refer them as follows:

That the documents from No. 1 to No. 9 inclusive, relating to the proceedings in South Carolina; also, document marked B, from the State of Missouri, in answer to the call by Georgia for a Convention; and the document marked C, from the State of Massachusetts on the same subject; and also the documents D and E, from Pennsylvania and Massachusetts, proposing a suppression of the sale of lottery tickets; be referred to the committee on the judiciary.

That document marked F, from Connecticut, relating to the tariff, internal improvements; be referred to the committee on canals and internal improvements.

Whereupon,

Said documents were referred accordingly.

A message from the Governor, by Mr. Maguire his private secretary.

**MR. SPEAKER:**

His Excellency the Governor has this day, approved and signed bills of the following titles, viz:

An act to amend an act entitled "an act to appropriate part of the three per cent. fund;" approved Jan. 31, 1833;

An act to legalize the election and proceedings of the trustees of the 12th Congressional township in range one, west;

An act to establish a state road from Bloomington, in Monroe county, to Morgantown, in Morgan county;

An act to amend an act entitled "an act to re-locate a part of the Martinsville, Danville, and Frankfort state road, and for oth-

er purposes; approved Feb 2d, 1833;

An act in addition to an act, entitled "an act to incorporate the town of New Albany;" approved Feb. 3d, 1831;

An act to legalize the election of trustees for the Patoka Baptist church, in the county of Gibson;

An act to locate a state road from Fort Wayne, in Allen county, up and along the west side of the little St. Joseph river to the state line on its eastern boundary;

An act to establish a state road from Rockville, in Parke county, to Bowlinggreen, in Clay county;

An act to vacate the town of Sarah, in Fountain county; and,

An act to amend an act, entitled "an act for the safe keeping of prisoners committed under the authority of the United States into any of the jails of this state, and for other purposes; approved Jan. 26, 1818;

All of which originated in the House of Representatives.

And then the House adjourned until Thursday morning at 9 o'clock.

## TUESDAY MORNING, DECEMBER 26, 1833.

The House met pursuant to adjournment.

Mr. Steele presented a petition of John E. Dunham and others, praying a law incorporating the town of Centreville;

Which was read and referred to a select committee of Messrs. Steele, Bradbury, Jones and Thornberry.

Mr. Snapp presented a petition of Alexander Massy, praying relief;

Which was read and referred to a select committee of Messrs. Snapp, Smith of K. and De Pauw.

Mr. Kilgore presented a petition of Goldsmith C. Gilbat and others, praying a relocation of part of the state road leading from Richmond to Logansport;

Which was read and referred to a select committee of Messrs. Kilgore, M'Bean and Jones.

Mr. Hardesty presented a petition of Gabriel Patrick and others, praying among other things a change in the law respecting insolvent debtors;

Which was read and referred to a select committee of Messrs. Hardesty, Wright of P. and Bennett.

Mr. Stuart presented a petition of Rebecca M'Kown, praying to be divorced from her husband Thomas M'Kown, with an accompanying document;

Which were read and referred to a select committee of Messrs.



Stuart, Dorsey, Kilgore, Willett, Thompson and Williams.

Mr. Dunning presented a petition of J. B. Lowe and others, praying relief to Jacob Bails;

Which was read and referred to the committee on roads.

Mr. Angle made the following report, which was read and concurred in:

The committee of elections to whom was referred the certificates of the several members of this House, have had the same under consideration and have directed me to report, that the following members have been duly elected, and entitled to their seats, to wit:

From the counties of Vanderburgh and Warrick—John A. Brackenridge.

Union—William H Bennett and Zachariah Ferguson.

Owen—George W. Moore.

Clarke—Samuel J. Stuart and John H. Thompson.

Vigo—Elisha M. Huntington.

Ripley—Thomas Smith.

Jefferson—James H. Wallace and Nathan B. Palmer.

Wayne—Abel Thornberry, Abner M. Bradbury, William Steele and John Jones.

Henry—Thomas R. Stanford.

Randolph—William Edwards.

Bartholomew—William P. Kiser.

Fountain—Lawson B. Hughes and Thomas J. Evans.

Jackson—Richard Beem.

Franklin—John Reid and Ben. Sed. Noble.

Perry and Spencer—Mason J. Howell.

Fayette—Caleb B. Smith and Marks Crume.

Parke—Joseph A. Wright.

Marion—Henry Brady.

Rush—Samuel Bigger and Marinus Willett.

Hendricks—Thomas Nichols.

Decatur—William Fowler.

Shelby—Rezin Davis.

Morgan—Grant Stafford.

Gibson—John Hargrove.

Harrison—George P. R. Wilson and Frederick Leslie.

Scott—Elisha G. English.

Jennings—W. C. Bramwell.

Warren—Samuel B. Clarke.

Floyd—P. M. Dorsey and William Williams.

Dearborn—Thomas Guion, George H. Dunn and David Guard.

Sullivan—James De Pauw.

Orange—Shadrick B. A. Carter and Joel Vandever.

Greene—George Baber.

Carroll and Cass—Gillis M'Bean.

Washington—Woodbridge Parker and H. C. Monroe.

Knox—John T. Snapp and Samuel Smith.  
 Montgomery and Clinton—Jacob Angle and David Vance.  
 Switzerland—Daniel Kelso.  
 Daviess and Martin—David M'Donald.  
 Tippècanoe—Loyal Fairman and Thomas B. Brown.  
 Putnam—Rees Hardesty and George Piercy.  
 Fike and Dubois—Wm. Wright.  
 Delaware and Grant—David Kilgore.  
 Crawford—Zebulon Levenworth.  
 Monroe—Paris C. Dunning.  
 Lawrence—John Brown and Absalom Fields.  
 Hamilton and Boone—Austin Davenport.  
 Madison and Hancock—John Foster.  
 Allen, Lagrange, Elkhart, St. Joseph and Laporte—David H. Colerick.  
 Vermillion—Isaac Pearson and Milo Gookins.  
 Posey—Jesse R. Craig.  
 Johnson—Joab Woodruff.

Mr. Thompson from the judiciary committee to which was referred a resolution on that subject, reported a bill to amend an act entitled an act defining and regulating privileges in certain cases, approved Dec. 21, 1817;

Which was read the first time and passed to a second reading.

Mr. Wallace from the committee on the affairs of the town of Indianapolis to which was referred a petition of Elizabeth Nowland, reported a bill granting relief to persons who made improvements on the Indianapolis donation;

Which was read the first time and passed to a second reading.

Mr. Steele from the select committee to which was referred a petition on that subject, reported a bill to locate a state road from Milton in Wayne county to Muncietown in Delaware county:

Which was read the first time and passed to a second reading.

Mr. Dunning from the joint committee of enrolled bills, report, that they have compared the enrolled with the engrossed bills entitled acts, as follows;

An act to locate a state road from the Michigan road to Vernon;

An act for the relief of Abraham Osburn;

And find the same truly enrolled,

Whereupon,

The Speaker signed said bills.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Wallace from the select committee to which was committed the bill for the inspection of whisky, reported the same with one amendment;

Which was read and before the question was taken on concurring therein,

On motion Mr. Wallace,

Said bill and report were recommitted to a committee of the whole House for to-morrow.

Mr. Bennett from the joint committee on enrolled bills, reported, that they have compared the enrolled with the engrossed bills entitled acts and joint resolutions, as follows, to wit:

An act to amend an act entitled "an act to incorporate the Monroe county female seminary," approved Jan. 29th, 1833;

An act authorizing Moses and Job Matthews and company, to erect a mill dam across little Pigeon creek and for other purposes;

A joint resolution relative to the Tippecanoe battle ground;

A memorial and joint resolution of the General Assembly of the State of Indiana relative to the Louisville and St. Louis mail route, and

A joint resolution directing the Secretary of State to furnish the county of Parke eight copies of the revised laws of 1831;

And find the same truly enrolled.

Whereupon,

The Speaker signed said bills and joint resolutions.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

Mr. Nichols from the select committee to which was referred a petition on that subject, reported a bill to relocate a part of the Martinsville, Belville, Danville and Frankfort state road and for other purposes;

Which was read the first time and passed to a second reading.

On motion of Mr. Davenport:

*Resolved*, That a select committee be appointed to enquire into the expediency of vacating the town of Uniontown in Boon county, and to report by bill or otherwise;

Whereupon,

Messrs. Davenport, Fairman and Nichols were appointed a committee in pursuance of said resolution.

Mr Fairman moved the following resolution, which was read and adopted.

Whereas, the inhabitants of a number of districts in the western country are affected with a destructive disease commonly called the milk sickness, the cause of which is a subject of dispute and hid in obscurity; therefore be it

*Resolved*, That a committee be appointed to take the matter under consideration and report whether it is expedient to legislate upon that subject and what advantage if any may arise to the citizens of this State by legislative interference.

Whereupon,

Messrs. Fairman, Craig, Dunning, Kiser and Stanford were appointed a committee in pursuance of said resolution.

Mr. Gookins moved the following resolution:

*Resolved*, That the judiciary committee be instructed to en-



quire into the expediency of enacting a law providing, that before any application may be made to the General Assembly for the removal of the seat of justice of any county, or any alteration in county boundaries, that public notice shall be given of the intention by such applicant, at least two months previous to the meeting of the Legislature, also, at least thirty days notice of an intention to apply for the location, alteration or vacation of any state road, designating in such notice all the points to be mentioned in such application, with leave to report by bill or otherwise.

On motion of Mr. Pearson,

Said resolution was amended by striking out "judiciary" and inserting in lieu thereof "select."

Said resolution as amended was then adopted.

Whereupon,

Messrs. Gookins, Pearson, Steele, Guard and Levenworth, were appointed a committee in pursuance of said resolution.

On motion of Mr. Colerick,

*Resolved*, That a select committee be appointed to enquire into the expediency of attaching certain unorganized territory to the county of La Porte, for judicial purposes, and that the said committee report by bill or otherwise.

Whereupon,

Messrs. Colerick, M'Bean and Brown of T. were appointed that committee.

On motion of Mr. Brackenridge,

*Resolved*, That the judiciary committee enquire into the expediency of allowing a plea of tender in any action founded upon tort for injuries to real, personal or mixed property, where the injury is susceptible of adequate pecuniary compensation, and when it may be deemed consonant with justice under such restrictions and regulations as to them shall be deemed for the advancement of justice.

Mr. Dorsey moved the following resolution:

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of increasing the fees paid for marriage license and of appropriating such increase to the purposes of common school education, and report by bill or otherwise.

Mr. Kelso moved to amend the same by striking out the word "increasing", and inserting in lieu thereof the word "reducing," when,

On motion of Mr. Williams,

Said resolution and proposed amendment were ordered to lie on the table.

On motion of Mr. Howell,

*Resolved*, That the committee on roads be instructed to enquire into the expediency of providing by law some more efficient mode of opening and repairing public roads and highways, with leave to report by bill or otherwise.

Mr. Crume moved the following resolution:

*Resolved*, That the committee on military affairs be requested to prepare and report to this House a bill repealing so much of the militia law as requires non-commissioned officers to attend drill musters, excepting however, from such exemption the orderly sergeants and staff officers.

Mr. Gookins moved to amend said resolution by requiring said committee to enquire into the expediency of allowing paymasters a reasonable compensation for their services;

Which motion did not prevail.

The question was then put, shall said resolution be adopted, And passed in the affirmative.

Mr. Ferguson moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into expediency of so amending the interest law, of last session, as to provide that judgments shall bear interest at the same rate, as agreed upon by the contracting parties, with leave to report by bill or otherwise.

Which was read, and

On motion of Mr. Thompson,

*Ordered*, That the same do lie on the table.

On motion of Mr. Stanford,

*Resolved*, That a select committee be appointed to enquire into the propriety of providing for the examination and survey of a route commencing at Lawrenceburgh in Dearborn county, from thence up the White Water river by Brookville, Connersville, Milton, and to Hagarstown in Wayne county, with an eye to the construction of a canal or rail road on such route.

Whereupon,

Messrs. Stanford, Dunn, Noble, Thornberry and Edwards were appointed said committee.

Mr. Davis moved the following resolution:

*Resolved*, That the committee on public buildings be instructed to enquire into the expediency of directing the Agent of the town of Indianapolis to sell the Governor's Circle, with leave to report by bill or otherwise;

Which was read, when

Mr. Williams moved to amend the same, so as to direct the committee to enquire into the expediency of preparing the House on the Circle for the reception of the Governor;

Which motion did not prevail.

Said resolution was then adopted by the House.

Mr. Kelso moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the propriety of enacting a law compelling justices of the peace to make return of all fines assessed by them and collected, to the circuit and commissioners courts.

Which was read, and

On the question to adopt the same,

It was decided in the negative.

Mr. Colerick moved the following resolution:

*Resolved*, That the clerk procure, and that the doorkeeper furnish to the members of this House a sufficient quantity of good paper for the special use of the clerks and committees.

On motion of Mr. Kelso,

Said resolution was amended by striking out "committees and inserting in lieu thereof "members of this House."

Said resolution as amended was then adopted.

Mr. Vandever moved the following resolution:

*Resolved*, That the committee on education enquire into the expediency of so amending the present school law, as to exempt persons over fifty years of age, and all other persons who cannot participate in the benefit of the school fund, from working on school Houses or paying a school tax for school purposes, with leave to report by bill or otherwise.

On motion of Mr. Smith of P.,

Said resolution was amended by striking out the following, "and all other persons who cannot participate in the benefits of the school fund."

On motion of Mr. Bramwell,

Said resolution was further amended by adding thereto the following *proviso*:

"*Provided*, Such person or persons are now by law exempt from paying state and county tax."

The question was then put shall said resolution be adopted?

And decided in the negative.

Mr. Smith of R., moved to take up the engrossed joint resolution of the Senate relative to the appointment of officers of the General Government to offices in Indiana, which was laid on the table on the 23d inst.

And before any question was had thereon,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The House proceeded to consider the orders of the day.

The bill to amend an act entitled an act regulating taking up of animals going estray and water crafts and other articles of value adrift, approved Feb. 9, 1831;

The bill extending the jurisdiction of justices of the peace in actions of trespass and replevin to fifty dollars;

The bill to amend an act entitled an act to provide for the appointment of a Circuit Prosecutor and defining his duty, approved Jan. 20, 1831;

The bill to amend an act entitled an act regulating the mode of doing county business in the several counties in this state, approved Jan. 19, 1831;



The bill to amend an act entitled an act relative to crime and punishment; approved Feb. 10th, 1831;

The joint resolution of the General Assembly, relative to the public lands; and

The joint resolution for the promotion of education;

Were severally read the second time and committed to a committee of the whole House for to-morrow.

A message from the Senate by Mr. Morris their secretary.

MR. SPEAKER:

The Senate has passed an engrossed bill of the House of Representatives, entitled,

"An act to locate a state road from Mills' mill, in Wayne county, to the falls of Fall creek, in Madison county, without amendment.

The Senate has also passed engrossed bills of the Senate entitled acts, as follows, to wit:

An act to authorize the expenditure of the 3 per cent. fund, heretofore appropriated for Adams county; and

An act for the benefit of literary societies;

In which bills of the Senate the concurrence of the House of Representatives is requested.

The bills of the Senate named in said message, were severally read the first time and passed to a second reading.

The bill to amend an act entitled an act to provide for the appointment of a circuit prosecutor, and defining his duty; approved Jan. 20th, 1831;

The bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this State; approved Jan. 19th, 1831;

The bill to amend an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Parke county; approved Dec. 28th, 1823;

The bill to repeal a certain act therein named, and for other purposes;

The memorial and joint resolution of the Legislature of the State of Indiana, praying relief for William Bilsland;

The bill authorizing the opening of a part of the New Castle and Lafayette state road, in Delaware county, and

The bill to authorize the collectors of the several counties in this state, to collect a tax on non-resident covering horses;

Were severally read the second time, and

*Ordered* To be engrossed and read a third time to-morrow.

The bill to establish an asylum for the poor, for the counties of Franklin, Fayette, and Union;

Was read the second time, when,

On motion of Mr. Smith of F.,

Said bill was committed to a select committee of Messrs. Smith of F., Bennett, and Reid;

The bill to amend an act entitled an act dividing the State into judicial circuits, and fixing the times of holding courts therein, and for other purposes; approved Feb. 10th, 1831;

Was read the second time, and

On motion of Mr. Bigger,

*Ordered*, That the same do lie on the table.

The engrossed bill from the Senate, to establish a state road from Bloomington, in Monroe county, to Spencer, in Owen county; and

The engrossed joint resolution from the Senate, on the subject of improving the navigation of the Ohio, at the falls;

Were severally read the second time, and

*Ordered* To be read a third time to-morrow.

The bill providing for an additional place of holding elections in the several counties in this state;

Was read the second time.

Mr. Crume moved to postpone the further consideration thereof indefinitely:

Which motion was decided in the negative.

Mr. Stanford moved to amend said bill, by adding thereto the following section: "Be it further enacted, that the judges and clerks of the several elections hereafter to be holden in this state, either under the provisions of this act or the act to which this is an amendment, shall not reveal the state of the polls, or suffer any other person to examine such poll books until the poll is closed."

Which motion did not prevail.

Mr. Crume moved to amend the same, so as to provide, where there are two polls opened in one town or township that the inspector and judges shall not commence counting the votes, until after 6 o'clock, P. M.

Which motion was decided in the negative.

On motion of Mr. Leslie, said bill was amended, by striking out "800," and in inserting in lieu thereof "700", being the number of votes necessary to be taken at one place to bring them within the provisions of this act.

Said bill was then ordered to be engrossed and read a third time to-morrow.

A message from the Senate by Mr. Morris, their secretary.

Mr. SPEAKER:

The Senate has passed the following engrossed bills of the House of Representatives, entitled acts, to wit:

An act to facilitate the business of the Legislature, and

An act to provide for the sale of section 16. in township 21, north of range 9, west, in Warren county, without amendment;

Also—

An engrossed bill of the Senate, entitled an act to incorporate the Corydon steam mill company;

In which bill of the Senate, the concurrence of the House of Representatives is requested.

The engrossed bill of the Senate named in said message was read the first time and passed to a second reading.

The bill to amend an act entitled an act to regulate marriages; approved Feb. 4th, 1831;

Was read the second time.

Mr. Willett moved to strike out "\$100", being the minimum penalty, and inserting in lieu thereof "\$10."

Mr. Bigger proposed "\$200;" when,

On motion of Mr. Carter,

Said bill and proposed amendments were indefinitely postponed.

And then the House adjourned until to-morrow morning at 9 o'clock.

## FRIDAY MORNING, DEC. 27, 1833.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from John Milroy, Superintendent of the eastern division of the Cumberland road in Indiana, shewing the progress, condition, and cost of that part of said road under his charge;

Which was read, when

Mr. Vandever moved to refer it to a select committee, and that 500 copies thereof be printed.

Mr. Steele moved to amend that motion by directing the reference to the committee on canals and internal improvements, with instructions to them to report what portions and how many copies of said communication shall be printed.

Mr. Crume called for a division of the said question to amend, and

It was thereupon put on the first branch thereof, to-wit, on referring to the canal committee,

And passed in the affirmative.

Mr. Crume moved to amend the instructions proposed by Mr. Steele, by directing 300 copies of the report of each superintendent to be printed.

Mr. Bramwell moved to lay the aforesaid communication and pending motions on the table;

Which motion did not prevail.

The question recurred on the motion of Mr. Crume to amend,



And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bigger, Brown of T., Clark, Crume, Dunning, English, Evans, Fairman, Foster, Hughes, Piercy, Smith of F., Thompson, Vandever, Willett, Williams, and Wright of P.—18.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Bennett, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Carter, Colerick, Craig, Davenport, De Pauw, Dorsey, Dunn, Edwards, Ferguson, Fields, Fowler, Gookins, Guard, Guion, Hardesty, Howell, Huntington, Jones, Kelso, Kilgore, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Moore, Nichols, Parker, Pearson, Reid, Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thornberry, Vance, Wallace, Wilson, Wright of P. and D., Yocom, and Palmer, Speaker—52.

So said motion was decided in the negative.

Whereupon,

On motion of Mr. Huntington,

Ordered, That said John Milroy have leave to withdraw his said communication,

And it was accordingly withdrawn.

Mr. Brady presented a petition of John E. M'Cluer, praying relief;

Which was read and referred to the committee on the affairs of the town of Indianapolis.

Mr. Howell presented a remonstrance of Cornelius Hall and others, against any change in the state road leading from Levenworth to Indianapolis;

Which was read and referred to the committee on roads.

Mr. Carter presented a petition of Bland Ballard and others, praying a change in part of the state road last above named;

Which was read and referred to the committee on roads.

Mr. Dunn presented a remonstrance of John Crozier and others, against the location of a state road from the state line near Elizabethtown, Ohio, to intersect the state road leading from Indianapolis to Lawrenceburgh near Washington Wright's;

Which was read and referred to the committee on roads.

Mr. Craig presented a petition of Joshua Elkins and others, praying a change in the acts regulating the jurisdiction and duties of justices of the peace, and for assessing and collecting the revenue;

Which was read and referred to a select committee of Messrs. Craig, Clark, and Wright of P. and D.

Mr. English from the joint committee of enrolled bills, report,

that they have compared the enrolled with the engrossed bill as follows:

An act to locate a state road from Mills' mill in Wayne county to the Falls of Fall creek in Madison county, and find the same truly enrolled.

Whereupon, the Speaker signed said bill.

*Ordered*, That the clerk carry it to the Senate for the signature of their President.

Mr. Dunning presented a petition of John O. Howe and others, praying the repeal of a certain act of the Legislature of last session;

Which was read, and

*Ordered*, That the same do lie on the table.

Mr. Reid made the following report:

The committee on military affairs to which was referred a resolution of this House on the subject of the payment of ferriage by those persons required to perform military duty, have had the same under consideration and directed me to report that in their opinion it is inexpedient to legislate on that subject, and the committee ask to be discharged from the further consideration of the same:

Which was read and concurred in, and the committee discharged accordingly.

Mr. Snapp from the select committee to which was referred the petition of Alex'r. Massy, reported a bill for the relief of the petitioner;

Which was read the first time and passed to a second reading.

Mr. Smith of F. from the select committee to which was referred a resolution on that subject, reported a bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831;

Which was read the first time and passed to a second reading.

Mr. Dunning from the select committee to which was referred a petition of Nathan Padgett, reported a bill for the relief of the petitioner;

Which was twice read, (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. M'Donald made the following report:

MR. SPEAKER:

The select committee appointed to enquire and report the cause why members of this House have not each been furnished with his proportionate number of copies of the Governor's message and other public documents heretofore ordered to be furnished, have had that subject under consideration according to order, and have directed me to report,

That after diligent enquiry into the causes aforesaid, they have been able only to ascertain that many of the members have not

been furnished with their proportionate number of copies of said message and one or two other documents; but from what cause this failure has arisen, your committee have not learned. Your committee, therefore, pray to be discharged from the further consideration of this subject;

Which was read and the committee discharged.

Mr. Stuart from the select committee to which was referred a petition of Rebecca M'Kown, reported a bill for the relief of the petitioner;

Which was read the first time and passed to a second reading.

Mr. Steele from the select committee to which was referred a petition on that subject, reported a bill to incorporate the town of Centreville, in Wayne county, Indiana;

Which was read the first time and passed to a second reading.

Mr. Dunning from the joint committee of enrolled bills, reported that they did present to the Governor on the 26th instant, for his approval and signature the following bills, entitled acts as follows:

An act to authorize the location of a state from Marion county to Sparks' ferry in Jackson county;

An act to locate the Connersville and Brookville state road;

An act for the relief of Robert W. Todd;

An act for the relief of John Hollowell, Sen'r., and

An act for the benefit of persons who are likely to suffer by the destruction of the records of Spencer county.

On motion of Mr. Levenworth,

Mr. Carter was added to the select committee to which was referred a resolution on the subject of county seats, county boundaries, &c.,

And then the House adjourned until two o'clock, P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment.

A message from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER:

The Governor did, on this day, Dec. 27, approve and sign bills entitled as follows:

An act for the relief of Robert W. Todd;

An act for the relief of John Hollowell, sen'r.;

An act to locate the Connersville and Brookville state road;

An act to authorize the location of a state road from Marion county to Sparks' ferry in Jackson county; and

An act for the benefit of persons who are likely to suffer by the destruction of the records of Spencer county;

Which originated in the House of Representatives.



The bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831;

Was read the second time.

Mr. M'Donald moved to amend the same by striking out the first section of said bill from the enacting clause and inserting in lieu thereof the following:

"That hereafter in all actions *ex contractu* commenced before any justice of the peace in this state, no objection shall be allowed against the form of the action, either before such justice or on appeal to the proper court; *Provided*, That the plaintiff at or before the time of the issuing of the original summons or *capias ad respondendum*, shall have filed such a written statement of his cause of action in the office of such justice as to put the defendant in such action fairly upon his trial;" when,

On motion of Mr. Dunn,

Said bill and proposed amendment were committed to a committee of the whole House for to-morrow.

On motion of Mr. Dunn,

The House proceeded to consider bills on their third readings. The engrossed bill from the Senate to organize the county of Miami,

Was read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

Engrossed bills of the following titles, to-wit:

A bill to change a part of the Shelbyville and Greenfield state road;

A bill to amend an act entitled an act to provide for the sale of certain lands therein named, approved February 2d, 1833;

A bill to amend an act entitled an act making promissory notes, bonds, and inland bills of exchange negotiable and assignable, approved January 29th, 1818;

A memorial to the Congress of the United States on the subject of the establishment of a national hospital on the Ohio river; and

A joint resolution concerning a state library,

Were severally read the third time and passed.

Ordered, That said bills be entitled acts and that the clerk carry them, together with said joint resolution, to the Senate and ask their concurrence.

The bill to appropriate a part of the three per cent. fund in Monroe county,

Was read the third time, amended by unanimous consent, and passed.

Ordered, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

The bill to provide for the printing and distributing of the laws of the present session of the General Assembly,

Was read the third time.

A motion was made by Mr. Bigger to re-commit it to a select

committee with instructions to strike out so much as requires that the laws be printed alphabetically;

Which was decided in the negative.

And on the question, shall the bill pass?

It was carried in the affirmative.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Brown of L. moved to reconsider the vote taken to-day on the passage of the bill to provide for the sale of certain lands therein named, approved February 2d, 1833;

Which motion was decided in the negative.

The engrossed bill from the Senate for the apportionment of a Senator and Representatives in the counties and territories therein named,

Was read the third time.

Mr. Steele moved to recommit said bill to a select committee with instructions to enquire into the numerical strength of the district in which the increase of representation is called for in said bill, and ascertain whether the number of polls be in equal proportion to the ratio now provided by law to the several counties composing this state: if not, so amend as to give 2100 polls to each Senator and 700 polls to each Representative called for in the bill, exclusive of the Senator and Representatives now provided by law for said district;

And the ayes noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Brackenridge, Howell, Jones, Steele, Thompson, and Wright of P. and D.—6.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Bigger, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Crume, Davenport, Davis, De Pauw, Dorsey, Dunn, Dunning, Edwards, English, Evans, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hughes, Huntington, Kelso, Kilgore, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Moore, Nichols, Noble, Parker, Pearson, Piercy, Reid, Smith of F., Smith of K., Smith of R., Stafford, Stanford, Stuart, Thornberry, Vance, Vandever, Wallace, Willett, Williams, Wilson, Wright of P., Yocom, and Palmer, Speaker—64.

So said motion was decided in the negative.

The question was then put, shall the bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Crume, Davenport, Davis, De Pauw, Dunn, Edwards, English, Evans, Fairman, Foster, Gookins, Guard, Hardesty, Hughes, Huntington, Kelso, Kilgore, M'Bean, Nichols, Noble, Pearson, Piercy, Smith of F., Smith of K., Snapp, Stafford, Stanford, Thornberry, Vance, Vandever, Wallace, Willett, Wright of P., Yocom, and Palmer, Speaker—44.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Bennett, Brackenridge, Carter, Craig, Dorsey, Dunning, Ferguson, Fields, Fowler, Guion, Howell, Jones, Leslie, Levenworth, M'Donald, Monroe, Moore, Parker, Reid, Smith of R., Steele, Stuart, Thompson, Williams, Wilson, and Wright of P. and D.—28.

So said bill passed.

*Ordered*, That the clerk inform the Senate thereof.

On motion of Mr. Evans,

Mr. Vance had leave of absence from the service of the House until Wednesday next;

And then the House adjourned until to-morrow morning at 9 o'clock.

## SATURDAY MORNING, DECEMBER 28, 1833.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from John Milroy, superintendant of the eastern division of the Cumberland road in Indiana, shewing the progress, condition, and cost of the part of said road under his charge;

Which was read, and

On motion of Mr. Evans,

Referred to the committee on canals and internal improvements with instructions to cause to be printed, 300 copies of said communication, also, 300 copies of the communication from Homer Johnson, the superintendant of the western division of the Cumberland road in this state, heretofore laid before this House, and referred to said committee.

Mr. Edwards presented a petition of Jeremiah Smith, Col. Comt. of the 70th Regiment of Indiana militia, praying a change in the militia laws of this state;

Which was read and referred to the committee on military affairs.

A message from the Senate by Mr. Morris their Secretary.



## MR. SPEAKER:

The Senate has passed an engrossed joint resolution of the House of Representatives, to extend the time for completing Blackford's Reports, without amendment, also, engrossed bills of the Senate, entitled,

An act to incorporate the Rising Sun insurance company, and

An act to establish a state road from Bedford, in Lawrence county, via Washington, in Daviess county, to the rapids of the Wabash river, at or near the mouth of White river;

In which bills of the Senate the concurrence of the House of Representatives is requested.

The bills of the Senate named in said message, were severally read the first time and passed to a second reading.

Mr. Thompson made the following report:

The committee on the judiciary to which was referred a resolution directing an enquiry into the expediency of the qualified electors of this state to express on their ballots at the next annual election, whether they will or not call a convention, to amend the constitution of this state, have had that subject under consideration, and directed me to report, that it is inexpedient to legislate on that subject at this time;

Which was read, when,

Mr. Carter moved to commit said report to a select committee, with instructions to report a bill favorable to the objects of the resolution named in said report;

Which motion did not prevail.

Said report was then concurred in by the House.

Mr. Thompson made the following report:

The judiciary committee to which was referred a resolution directing an enquiry into the propriety of repealing the 8th section of an act regulating the taking up animals going estray, and water crafts, and other articles of value adrift, approved Feb. 9, 1831; and also so much of the 14th section of the same act as prohibits any person from taking up estray animals, have had that subject under consideration, and directed me to report, that legislation on that subject is inexpedient at this time;

Which was read and concurred in.

Mr. Smith of F., from the judiciary committee to which was referred a resolution on that subject, reported a bill to authorize a change of venue in criminal cases;

Which was read the first time and passed to a second reading.

Mr. Willett from the committee on education to which was referred a resolution directing said committee to enquire into the expediency of so amending the acts regulating county seminaries, as to repeal that part of said act which requires a majority of the voters of the county to vote for seminary trustees, in order to render the election of such trustees valid; reported that they have

had the same under consideration, and are of opinion it is inexpedient to legislate on that subject at this time;

Which was read and concurred in.

Mr. Smith of R. from the committee on roads to which was referred sundry petitions on that subject, reported a bill declaring a certain road therein named a state road, and to provide for the continuation of said road;

Which was read the first time and passed to a second reading.

Mr. Thompson from the select committee to which was referred a resolution on that subject, reported a bill to amend an act entitled an act regulating the mode of doing county business in the several counties in this state, approved Jan. 19, 1831:

Which was read the first time and passed to a second reading.

Mr. Huntington from the select committee to which was committed a bill to establish a point in the Fredericksburgh and Terre-Haute state road, reported the same with one amendment;

Which was read and concurred in, when,

On motion of Mr. Carter, it was

*Ordered*, That the same do lie on the table.

Mr. Bennett from the joint committee of enrolled bills reported that they have compared the enrolled with the engrossed bills, entitled acts as follows, to wit:

An act to facilitate the business of the Legislature; and

An act to provide for the sale of section sixteen, in township one, north of range nine west in Warren county;

All of which are found to be truly enrolled.

Whereupon,

The Speaker signed said bills.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

Mr. English from the joint committee of enrolled bills reported, that they did on the 27th inst., present to the Governor for his approval and signature, bills, joint resolutions, and memorials as follows:

A joint resolution directing the secretary of state to furnish the county of Parke, eight copies of the revised code of 1831;

A joint resolution relative to the Tippecanoe battleground;

An act authorising Moses and Job Matthews and company, to erect a mill-dam across little Pigeon creek, and for other purposes;

A memorial and joint resolution relative to the Louisville and St. Louis mail route;

An act to establish a state road from the Michigan road to Vernon; and

An act to amend an act entitled an act to incorporate the Monroe county female seminary; approved Jan. 29, 1833.

On motion of Mr. Brady,

The report of the select committee on the petition of William

Warren and others, laid on the table on the 24th inst., was taken up.

Mr Carter moved to amend the resolution reported by said committee, so as to direct the payment to be made out of the treasury of Marion county, instead of the State treasury.

Mr. Smith of K. moved to amend said amendment as follows:

That the Treasurer of State be authorized to retain from each member and officer's pay of this House, \$2.00, and pay the same to William Warren;

Which was accepted by Mr. Carter, as a modification of his said motion to amend.

Mr. Smith of R. moved to insert in said amendment, after the word "House," the word "annually."

Pending that question another was made by Mr. Stanford to postpone indefinitely the further consideration of said report and proposed amendments.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Brackenridge, Bradbury, Brown, of L., Carter, Clark, Craig, De Pauw, Dorsey, Dunning, Ferguson, Fields, Fowler, Gookins, Guard, Hardesty, Hargrove, Jones, Levenworth, Monroe, Moore, Noble, Parker, Piercy, Reid, Snapp, Stanford, Stuart, Thompson, Thornberry, Vandever, Wallace, Willett, Wilson, Wright of P., Wright of P. and D., and Palmer, Speaker—38.

*And those who voted in the negative, are*

Messrs. Beem, Bigger, Brady, Brown of T., Colerick, Crume, Davenport, Davis, Dunn, Edwards, English, Evans, Fairman, Howell, Hughes, Huntington, Kelso, Kilgore, Leslie, M'Bean, M'Donald, Nichols, Pearson, Smith of F., Smith, of K., Smith of R., Stafford, Steele, and Yocom.—29.

So said report and proposed amendments were indefinitely postponed.

Mr. Gookins from the select committee to which was referred a resolution on that subject, reported a bill relative to the removal of seats of justice, and for other purposes;

Which was read the first time and passed to a second reading.

On motion of Mr. Dorsey,

*Resolved*, That the committee on education be instructed to enquire what amendments if any, are necessary to an act to establish a College in the State of Indiana, approved Jan. 24, 1828; so as



to increase the usefulness of said institution, and also to enquire whether the visitors of said institution have according to the provisions of the 13th section of said act made an annual examination of the affairs of said college, and reported the same to the Governor of this State; and if they have not, then to enquire what further legislation is necessary to effect such object; with leave to report by bill or otherwise.

Mr. Kelso moved the following resolution:

*Resolved*, That the committee on military affairs be instructed to take into consideration the subject of improving the military system, by encouraging officers to uniform themselves, and whether it would be expedient to exempt from military duty, all com'sd. officers, who shall uniform themselves & serve for the term of five years successively, exempt in times of insurrection and invasion, and whether it would be expedient to exempt in like manner, all non-commissioned officers who shall have served a given period of time, and who shall have arrived at the age of 30 years; and whether it would be advisable to exempt persons over the age of 30 years from serving more than one day in each year, with leave to report by bill or otherwise.

Mr. Steele moved to amend the same so as to provide that there be but one muster in each year;

Which motion did not prevail.

Mr. Noble moved to lay said resolution on the table;

Which motion was decided in the negative.

The question was then put,

Shall said resolution be adopted?

And passed in the affirmative.

On motion of Mr. Brady,

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the present school law, as to allow purchasers of school land, six months instead of sixty days, to redeem land forfeited, and to subject said delinquent purchasers to the payment of 20 per cent. on the sum due not paid; with leave to report by bill or otherwise.

On motion of Mr. Crume,

*Resolved*, That the committee on claims be instructed to enquire into the expediency of making an allowance to Caleb B. Smith, for services as special prosecutor at the Feb. term, 1833, of the Randolph Circuit Court, in the absence of the regular Prosecuting attorney.

Mr. Smith of R. moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of amending the 1st section of an act regulating prison and prison bounds, approved Dec. 22, 1823; that the Circuit Court of any county, may for good cause shewn, have discretionary power to enlarge or extend prison bounds to any extent not beyond the limits of such county.

Mr. Evans moved to amend the same by striking out the word "county," and inserting in lieu thereof the word "State:"

Which motion did not prevail.

Mr. Howell moved to amend said resolution by striking out "county" and inserting in lieu thereof "township;"

Which motion was decided in the negative.

Mr. Williams moved to lay said resolution on the table;

Which motion did not prevail.

Mr. Leslie moved to amend the same by striking out "county," and inserting in lieu thereof the words "walls of the jail;"

Which motion was decided in the negative.

Mr. Angle moved to amend said resolution by striking out "county," and inserting in lieu thereof these words: "township in which the jail is situate;

Which motion did not prevail.

Mr. Craig moved to amend the same by adding at the end thereof, the following proviso: *Provided* such person give a schedule of all his property and effects for the benefit of his creditors.

Mr. Smith of F. moved to postpone the further consideration of said resolution and proposed amendments indefinitely;

Which motion did not prevail.

The question was then put on the amendment proposed by Mr. Craig, and

Decided in the negative.

Mr. Thompson moved to amend the same so as to require the committee to enquire into the expediency of reporting a bill to make the prison bounds co-extensive with the county:

Which motion passed in the affirmative.

On motion of Mr. Pearson, the same was further amended, so as to make it imperative on the committee to report a bill.

Mr. Howell moved further to amend the same by striking out "judiciary" and inserting in lieu thereof "select;"

Which motion did not prevail.

Mr. Carter moved to postpone the further consideration thereof indefinitely,

And before the question was had thereon,

The Speaker announced to the House that the hour for considering resolutions had expired.

On motion of Mr. Bigger, Mr. Davenport had leave of absence from the service of this House until Wednesday next.

Mr. Dunn from the select committee to which was referred so much of the Governor's message as relates to that subject, (the rules of the House having been dispensed with for that purpose) reported a bill establishing a State Bank; and before the same was read,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment,

And proceeded to consider the orders of the day.

The bill to amend an act entitled an act to establish a College in the State of Indiana, approved Jan. 24, 1828;

Was read the second time and ordered to be engrossed and read a third time on Monday next.

On motion of Mr. Steele, the House proceeded to consider bills on their third readings.

The bill to incorporate the Levenworth manufacturing company;

Was read the third time, amended by unanimous consent and passed.

Ordered, That it be entitled an act, and that the clerk carry it the Senate and ask their concurrence.

On motion of Mr. Thompson,

The vote taken yesterday to reconsider the vote on the passage of the bill to amend an act entitled an act to provide for the sale of certain lands therein named, approved Feb. 2d, 1833, was reconsidered.

The question was then put,

Will the House reconsider the vote taken on the passage of said bill?

And passed in the affirmative.

Mr. Wallace thereupon moved to recommit the bill to the committee on education, with instructions to strike out all but the 5th section.

Mr. Bigger moved to amend the aforesaid instructions, by directing the committee to retain also, the 2d section, so amended as to prohibit the sale of larger tracts together than 80 acre lots;

Which motion prevailed.

Mr. Brown of T. moved to amend the instructions by striking out so much in them as is special, and directing the committee to amend the bill as the equity and right of the case may require;

Which motion was decided in the affirmative;

And on the question to recommit the bill with such instructions,

It was carried in the affirmative.

Engrossed bills and a memorial and joint resolution of the following titles, to wit:

A bill for incorporating the Wabash manual labor college and teacher's seminary;

A bill to amend an act entitled an act to provide for the location of a certain state road therein named, approved January 24th, 1832.

A bill to amend an act entitled an act to provide for the ap



pointment of a circuit prosecutor, and defining his duty; approved Jan. 20, 1831; and

A memorial and joint resolution relative to the improvement of a harbor at the mouth of Trail creek on Lake Michigan, in the state of Indiana;

Were severally read the third time and passed.

*Ordered*, That said bills be entitled acts and that the Clerk carry them together with said memorial and joint resolution, to the Senate and ask their concurrence.

The engrossed bill to provide for the election of a justice of the peace in the town of Gosport, in Owen county;

Was read the third time, amended by unanimous consent, and passed.

*Ordered* That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill to amend an act amendatory to an act entitled an act regulating the practice in suits at law, approved Feb. 4th, 1833;

Was read the third time, and

On motion of Mr. Wright of P.,

Committed to a committee of the whole House for Monday next.

A message from the Governor, by Mr. Maguire his private secretary:

MR. SPEAKER:

His Excellency the Governor has this day, approved and signed bills of the following titles, viz:

An act to locate a state road from the Michigan road to Vernon;

An act to amend an act entitled "an act to incorporate the Monroe county female seminary," approved Jan. 29, 1833;

An act authorizing Moses and Job Matthews and company, to erect a mill-dam across Little Pigeon creek, and for other purposes;

A joint resolution relative to the Tipperanoe battle ground;

And also joint resolutions entitled as follows:

A joint resolution directing the Secretary of State to furnish the county of Parke eight copies of the Revised Laws of 1831, and

A memorial and joint resolution of the General Assembly of the State of Indiana, relative to the Louisville and St. Louis mail route;

All of which originated in the House of Representatives.

Mr. English from the joint committee of enrolled bills reports, that they have compared the enrolled joint resolution with the engrossed as follows, viz:

A joint resolution to extend the time for completing Blackford's Reports;

And find the same truly enrolled.

Whereupon,

The Speaker signed said joint resolution.

*Ordered*, That the Clerk carry it to the Senate for the signature of their President.

The engrossed memorial and joint resolution of the General Assembly of Indiana, for an appropriation to improve the navigation of the Wabash and White rivers;

Was read the third time, when,

Mr. Smith of R. moved to lie the same on the table.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Leslie, Monroe, Smith of R., Thompson, and Willett—5.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Bennett, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Crume, Davis, Depauw, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Ferguson, Fields, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Hughes, Jones, Kelso, Kilgore, Levenworth, M'Bean, M'Donald, Moore, Noble, Parker, Pearson, Piercy, Reid, Smith of F., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thornberry, Vandever, Wallace, Williams, Wilson, Wright of P., Wright of P. and D., Yocom, and Palmer, Speaker—61.

So said motion was decided in the negative.

Mr. Pearson moved to amend said memorial and joint resolution, by striking out so much thereof as relates to "instructing our Senators in Congress;"

Which motion did not prevail.

The question was then put,

Shall said memorial and joint resolution pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bennett, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Crume, Davis, De Pauw, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Ferguson, Fields, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Jones, Kelso, Kilgore, Leslie, Levenworth, M'Bean,

M'Donald, Monroe, Moore, Noble, Parker, Pearson, Piercy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Thornberry, Vandever, Willett, Williams, Wilson, Wright of P., Wright of P. & D., Yocom, and Palmer, Speaker.—66.

Mr. Wallace voted in the negative.

So said memorial and joint resolution passed.

*Ordered*, That the Clerk carry it to the Senate and ask their concurrence.

The engrossed bill to repeal an act entitled an act for the encouragement of education, approved Feb. 2, 1833;

Was read the third time.

The question was then put,

Shall the bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bennett, Brackenridge, Bramwell, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Crume, Davis, De Pauw, Dorsey, Dunning, English, Evans, Ferguson, Fields, Gookins, Guion, Hardesty, Hargrove, Howell, Hughes, Kelso, Kilgore, Leslie, M'Bean, Monroe, Parker, Reid, Smith of F., Snapp, Stafford, Stanford, Stuart, Thompson, Vandever, Williams, Wilson, Wright of P. and D., Yocom and Palmer, Speaker—45.

*And those who voted in the negative, are*

Messrs. Bigger, Bradbury, Brady Dunn, Edwards, Fairman, Fowler, Guard, Jones, Levenworth, M'Donald, Moore, Pearson, Piercy, Smith of K., Steele, Thornberry, Wallace, Willett, and Wright of P.—20.

So said bill passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Engrossed bills of the Senate of the following titles, to wit:

An act to amend an act entitled an act to locate a state road from Delphi in Carroll county to Crawfordsville in Montgomery county, approved Feb. 1, 1831;

An act to establish a state road from Dayton in Tippecanoe county to the Michigan road in Clinton county, and

An act to establish a state road from Rising Sun to Lawrenceburgh in Dearborn county,

Were severally read the third time and passed.

*Ordered*, That the clerk inform the Senate thereof.



Mr. Willett moved that the several orders of the day which precede the report of the select committee on the subject of a State Bank (pending at the last adjournment) be for the present postponed, and that the House proceed to consider said report;

Which motion did not prevail.

The engrossed bill to amend an act to provide a fund for common schools, approved Feb. 2, 1832,

Was read the third time and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Thompson moved that the several orders of the day which precede the resolution moved by Mr. Smith of R., relative to prison bounds (arrested this morning by the expiration of the hour for considering resolutions) be for the present postponed, and that the House resume the consideration of that resolution;

Which motion was determined in the negative.

The engrossed joint resolution of the General Assembly of the State of Indiana relative to the removal of the pension office,

Was read the third time.

Mr. Leslie moved to lay the same on the table,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Brackenridge, Brown of L., Craig, Dorsey, English, Hargrove, Howell, Leslie, Levenworth, M'Bean, Monroe, Moore, Parker, Piercy, Smith of K., Snapp, Wallace and Wilson—18.

*And those who voted in the negative, are*

Messrs. Angle, Eaber, Beem, Bennett, Bigger, Bradbury, Brady, Bramwell, Brown of T., Carter, Clark, Colerick, Crume, Davis, De Pauw, Dunn, Dunning, Edwards, Evans, Fairman, Ferguson, Fields, Fowler, Gookins, Guard, Guion, Hardesty, Hughes, Jones, Kelso, Kilgore, M'Donald, Noble, Reid, Smith of F., Smith of R., Stafford, Stanford, Steele, Stuart, Thompson, Thornberry, Vandever, Willett, Williams, Wright of P., Wright of P. and D., Yocom and Palmer, Speaker—49.

So said motion was decided in the negative.

Mr. Smith of K. moved to recommit the same to a select committee with instructions to memorialize for an additional pension office to be located at Indianapolis.

Mr. Willett called for the previous question, which was seconded by two members,

And was thereupon put, to wit:

Shall the main question be now put?

Which motion was decided in the negative.

The engrossed bill to amend an act entitled an act to regulate

the mode of doing county business in the several counties in this state, approved Jan. 19, 1831,

Was read the third time, when

Mr. Willett moved to recommit the same to a select committee with instructions to strike out the 2d section, and to regulate so much of said bill as makes false swearing perjury;

Which motion did not prevail.

Mr. Willett moved that said bill be indefinitely postponed, And before the question was had thereon,

The House adjourned until Monday morning at 9 o'clock.

## MONDAY MORNING, DECEMBER 30, 1833.

The House met pursuant to adjournment.

Mr. Brown of T. presented a petition of Henry Robinson and others, praying an appropriation out of the 3 per cent. fund to erect a bridge over the Kankakee on the state road leading from Lafayette to Michigan city via Delphi;

Which was read and referred to a select committee of Messrs. Brown of T., Angle and Clark.

Mr. Kiser presented a petition of John Eldridge and others, praying an act authorizing the appointment of supervisors on Clifty creek in Bartholomew county;

Which was read and referred to a select committee of Messrs. Kiser, Fowler and Bramwell.

Mr. Williams presented a petition of Elias Bell and others, praying that a portion of the county of Clark be attached to Floyd county;

Which was read and referred to a select committee of Messrs. Williams, Dorsey and Stuart.

Mr. Stanford presented a petition of M. Brown and others, praying the location of a state road from Williamsburgh in Wayne county to Newcastle in Henry county;

Which was read and referred to a select committee of Messrs. Stanford, Jones and Willett.

Mr. Dunning presented a petition of Abednego Walden and others, praying relief;

Which was read and referred to the committee on claims.

Mr. Moore presented a petition of Oliver Cromwell and others, praying a change in the law to provide for the opening and repairing public roads and highways;

Which was read and referred to a select committee of Messrs. Moore, Brady and Nichols.

Mr. Stanford presented a petition of Jacob Wimmer and oth-

ers revolutionary pensioners praying a removal of the pension office;

Which was read and laid on the table.

Mr. Colerick presented a petition of Henry Cooper and others, praying a change in the times of holding the circuit courts in the 8th judicial circuit;

Which were read and referred to the select committee to which was heretofore referred a resolution on the same subject.

Mr. Angle made the following report;

The committee of elections to which was referred several returns of the elections of Representatives in Congress, have had the same under consideration and now report, that in the opinion of said committee no legislative action is necessary on that subject, and ask to be discharged from the further consideration of the same;

Which was read and concurred in.

On motion of Mr. Brown of T.,

*Ordered*, That said returns be laid on the table.

Mr. Wright of P. from the judiciary committee to which was referred a resolution on the subject of executing criminals for capital offences privately, reported a bill to amend an act relative to crime and punishment, approved February 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Huntington made the following report:

The committee on canals and internal improvements to whom were referred two several resolutions of this House on the subject of the improvement of the navigation of the Wabash and White rivers, as well as so much of the Governor's message as relates to the same subjects, and to the creation of a loan for internal improvements by a pledge of the three per cent. fund, have had the same under consideration and now respectfully report, that from the head of steam boat navigation on the Wabash river, to the junction of that stream with the Ohio, is a distance of about 450 miles.—Of this 450 miles, 150 are within the exclusive jurisdiction of the State of Indiana, and the remainder, from a point a few miles below Fort Harrison to its mouth, constitutes the boundary line between the States of Indiana and Illinois, over which said States have *concurrent* jurisdiction. From the head of steam boat navigation to its mouth, it passes through a valley of almost unequalled fertility, and affords the only avenue of trade for the whole of this productive and populous region. The obstructions in this stream embracing the *nine mile ripple* below Vincennes and the intermediate rapids and ripples to the *Coffee Island ripple*, all within a compass of fifteen miles, present the only formidable obstacles to the navigation, and almost the only check upon the rapid and permanent prosperity of the Wabash country. With a soil that yields generously under the culture of the husbandman, and resources which if brought into action would pour wealth in



to the lap of enterprise *this only is wanting, the improvement of the navigation of the Wabash river*, to render this portion of our state powerful and prosperous. This improvement has been a favorite object for many years with the politicians of that part of the state, but as yet, nothing has been done towards its accomplishment. The evil complained of, exists now, as it existed fifteen years ago, except that it has increased with increase of population. The toil of the agriculturalist goes unrewarded, for though his granaries may groan under the accumulated productions of his labour, yet without some channel through which to avail himself of the only market now presented to him in the *south*, these fruits of his industry must be comparatively valueless. Nor can the capitalist find any inducement to engage in this trade, when he sees the only avenue of transportation locked up at the very season when the foreign market invites him to engage in such an enterprise. In short, industry and enterprise meet with no corresponding rewards. From an estimate founded upon the opinions of intelligent and commercial men it is believed that in ordinary seasons the *exports* which descend the Wabash river in boats, embracing the articles of *corn, pork, flour, whiskey*, and other staples, is at least \$550,000 *annually*. The *imports* are thought to be less than that amount notwithstanding the obstructions in the river, and the *balance of trade* is consequently in our favor. In ordinary seasons, there are from two to four months of steam boat navigation only, during the last season however there were not three weeks of safe navigation—when boats of *two feet draught*, can descend from the mouth of Tippecanoe river to the rapids below Vincennes with perfect ease and safety, there are frequently not more than *ten inches* of water on the rapids. Those who can get off with their boats, usually avail themselves of the spring freshets and the consequence is, that they all go at the same period, and throw into market the whole exports of the Wabash Valley at one time. The result is plain that they are forced to take what the planter or speculator pleases to give. The surplus products at home, remain unsold, or if sold, are disposed of at prices calculated rather to crush than encourage the industry of the people. The increased rates of transportation upon merchandise at such seasons is an immense tax upon the country. To illustrate this, take the single article of salt.—It is believed that the counties bordering on and depending on the Wabash river for supplies of salt above the rapids during the last year, paid upon this article alone *fifty thousand dollars more*, than the same quantity could have been purchased for, had the navigation been open even four months. While salt was selling at from 37½ to 62½ on the Ohio and on the Wabash *below* the rapids, it commanded from 75 cents to \$1 50 above the rapids. In the same ratio is the tax increased upon *iron, groceries, &c.*: this view of the subject proves beyond controversy, that the evils complained of have the effect to *diminish* the price of our *own products*, and *increase*

the price of the *foreign article*, or in other words, to force us to *sell at low* and to *buy at high* prices.

These things loudly demand a remedy, and the question then arises, what is it? That *money* will remove or surmount these obstructions, is not doubted. The national government has been deaf to our repeated prayers. Under these circumstances, Indiana must put forth her *own* arm to the work—or the work must remain undone. Illinois some time ago was invited to co-operate with us in the common object, and with a promptness and a liberality worthy of such an enterprize, appropriated \$12,000 out of the moneys arising from the sales of her Saline Reserves to this object. An agent of a portion of the people of that State deeply interested in the work, lately here, brought with him the assurance that a liberal appropriation by Indiana, would be met by a corresponding liberality upon the part of that state, either through a chartered company or through the government.

Regarding then the importance of the work as not debateable, your committee recommend that a loan of \$250,000 be authorized by this State for the purposes of *internal improvements*, and forty-two thousand thereof appropriated to the improvement of the Wabash river. That for the redemption of such loan, the three per cent. fund of this state be set aside and pledged. This fund it is believed will in less than fifteen years redeem such loan. As the *basis* of this opinion, the following copy of a letter from the Agent of the three per cent. fund in answer to one addressed to him on that subject is submitted, shewing the probable amount and capacity of said fund for the ensuing *fifteen years*:

AGENT'S OFFICE,  
INDIANAPOLIS, December 17, 1833. }

Hon. E. M. Huntington:

SIR—In answer to your note of this morning I have to say, that the sum paid the Fund Commissioners on account of the *Wabash fund* is \$4,528 52, which sum bears interest from about 15th of April, 1832.

I do not yet know the amount of the three per cent. fund that may be due the state for the present year, but presume there will be about \$13,000, after paying off the appropriations heretofore made.

I believe if no change be made in the existing land laws, you may safely estimate the proceeds of the 3 per cent. fund as follows for the ensuing fifteen years:

First five years,	\$125,000
Second “ “	100,000
Third “ “	75,000

Respectfully,  
B. I. BLYTHE,  
*Agent 3 per ct. fund.*

Taking this then as the basis of the calculation, and supposing this fund to be loaned annually at eight per centum per annum, which can be done upon the best possible security, it will in 1845, after discharging the interest on the loan, yield the sum of \$263,630, supposing the interest on said loan not to commence until January 1835. The following calculation will shew the result above stated:

Amount of 3 per cent. for 1833,		\$13,000	
Interest at 8 per cent.,		1,040	
		<hr/>	
		14,040	
Three per cent fund in 1834,	-	25,000	
		<hr/>	
		39,040	
Interest at 8 per cent.,		3,123	
		<hr/>	
		42,163	
Fund 1835,	\$25,000		
Interest on loan,	12,500		
	<hr/>		
Surplus,	12,500	12,500	
		<hr/>	
		54,663	
Interest at 8 per cent.,	-	4,373	
		<hr/>	
		59,036	
Surplus of 1836,	-	12,500	
		<hr/>	
		71,536	
Interest at 8 per cent.,	-	5,722	
		<hr/>	
		77,258	
Surplus 1837,	-	12,500	
		<hr/>	
		89,758	
Interest at 8 per cent.,	-	7,180	
		<hr/>	
		96,938	
Surplus 1838,	-	12,500	
		<hr/>	
		109,438	
Interest at 8 per cent.,	-	8,755	
		<hr/>	
		118,193	
Fund of 1839,	\$20,000		
Interest on loan,	12,500		
	<hr/>		
Surplus		7,500	
		<hr/>	
		125,693	
Interest at 8 per cent.,	-	10,055	





If the lands are *ceded* to the state, the capacity to redeem said loan from the same source, will still be magnified. Under any view of the subject then, it is believed that this loan may be redeemed in twelve or fifteen years through the public lands, and without touching a dollar in the State Treasury.

That *it is expedient* to make the loan as proposed, it seems to your committee is abundantly proved by the wants of the country, and by the mode in which the three per cent. fund has heretofore been expended since the year 1821, shewing that almost *any* mode of using it is preferable to that which has generally been adopted.

Your committee would ask where are the valuable improvements which that fund was intended to make? They are scarcely to be found, and the fund is *gone*. Had it been funded in 1821, it would have now been sufficient to have filled the state with the most splendid arteries of commercial intercourse. It is too late however to repine over its loss. But from the past we can gather wisdom for the future.

An equal division of the \$250,000 hereby proposed to be borrowed among the several counties in this state, would give to each county after deducting \$25,000 for the unorganized territory in this state, the sum of about \$3,200, perhaps a few dollars more. Although a general expenditure of the whole amount upon main leading commercial avenues throughout the state would be deemed most advantageous by your committee, yet they are satisfied that no scheme of appropriation upon that principle could be adopted, which would not do injustice to some portions of the state. It is proposed therefore to take a large proportion of the dividend fairly going to the Wabash and adjacent counties, and apply the same to the improvement of the Wabash river; to give to the other counties of the state \$3,000 each, and to apply the excess over \$3,000 upon prominent objects of improvement in the state including the Wabash, White rivers, &c. This plan it is believed can scarcely meet with serious opposition from any section of the state. It takes nothing from the pockets of the people; it disturbs no local interest. If it be said that more is given to the Wabash than she would be entitled to upon an equal division, it is answered that the Wabash counties give up almost all for *one common object*; that the Wabash is a part of the general connecting commercial chain between the northern Lakes and the South; that the interests connected with the improvement of that stream are more extended and important than those great ed with any other object of improvement in the state; that the *Wabash river* is Indiana's nobles stream. Liberal minds will rejoice in improvements calculated to improve the condition of *any part* of our state. The views of the statesman who desires the prosperity of his country, can never be limited by geographical lines, but he will look alone to the "general welfare." Entertaining these views and opinions, your committee report a bill.

The said report was accompanied by a bill authorizing a loan for internal improvements and pledging the three per cent. fund for the payment thereof;

Which was read the first time and passed to a second reading.

*Ordered.* That one thousand copies of said report, and one hundred and fifty copies of said bill be printed.

Mr. Smith of K. made the following report:

The committee on canals and internal improvements to whom was referred the reports of the Superintendents of the National road, have had the subject under consideration; they have ordered the printing of 300 copies of each of the reports, and instructed me to report a memorial, entitled a memorial on the subject of the National road;

Which was read the first time and passed to a second reading.

The House resumed the consideration of the bill for establishing a state bank, reported by Mr. Dunn on Saturday last from the select committee appointed on that subject.

The said bill was then read the first time.

Mr. Kilgore thereupon moved that it be rejected;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Carter, Craig, Ferguson, Fields, Hardesty, Hargrove, Howell, Kilgore, Levenworth, Noble, Piercy, Steele, and Vandever—14.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Bennett, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Crume, Davis, De Pauw, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Fowler, Gookins, Guard, Guion, Hughes, Huntington, Jones, Kelso, Kiser, Leslie, M'Bean, M'Donald, Monroe, Moore, Parker, Pearson, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Stuart, Thompson, Thornberry, Wallace, Willett, Williams, Wilson, Wright of P., Wright of P. and D., Yocom, and Palmer, Speaker—56.

So said bill was not rejected.

*Ordered,* That it pass to a second reading.

And then the House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

On motion of Mr. Stanford,

Mr. Steele was added to the select committee to which was re-



ferred a resolution on the subject of a route for a rail road up White Water river, &c.

On motion of Mr. Willett,

Mr. Carter was added to the committee on education.

On motion of Mr. Evans,

Mr. Brown of T. was added to the committee of ways and means.

The House proceeded to consider the orders of the day,

And resumed the consideration of the bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved January 19th, 1831, pending at the adjournment on Saturday evening last, when

Mr. Willett withdrew his pending motion to postpone indefinitely.

Mr. Evans moved to recommit said bill to a select committee with instructions to strike out the second section thereof;

Which motion did not prevail.

Mr. Bigger moved to recommit the same to a select committee with instructions to strike out so much as relates to false swearing.

Mr. Evans moved to postpone said bill and motion to commit as proposed, indefinitely.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Brady, Crume, De Pauw, Evans, Guard, Hughes, Kilgore, M'Donald, Smith of K., Smith of R., Thornberry, and Willett—12.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Bennett, Bigger, Brackenridge, Bradbury, Bramwell, Brown of L., Brown of T., Carter, Clark, Cole-  
rick, Craig, Davis, Dorsey, Dunn, Dunning, Edwards, English,  
Fairman, Fields, Fowler, Gookins, Guion, Hardesty, Hargrove,  
Howell, Huntington, Jones, Kelso, Kiser, Leslie, Levenworth,  
M'Bean, Monroe, Moore, Nichols, Parker, Piercy, Reid, Smith  
of F., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Van-  
deveer, Wallace, Williams, Wilson, Wright of P., Wright of P.  
and D., Yocom and Palmer, Speaker—55.

So said motion was decided in the negative.

Mr. Smith of F. moved to amend the instructions proposed by Mr. Bigger, so as to instruct said committee to strike out so much as gives the board doing county business authority to punish by fine for contempts;

Which motion was decided in the negative.

Mr. Reid moved to amend the instructions proposed by Mr. Bigger, by instructing the committee to strike out \$5, and inserting in lieu thereof \$3;

Which motion passed in the affirmative.

Mr. Willett moved to lay said bill and motion to commit on the table;

Which motion did not prevail.

The question was then put on the motion of Mr. Bigger to commit with instructions,

And carried in the affirmative.

The joint resolution of the General Assembly of the state of Indiana relative to the removal of the pension office, (which was arrested on Saturday last by a call of the previous question,) was resumed.

Mr. Stanford moved to lay said joint resolution and motion to recommit, proposed by Mr. Smith of R., on the table;

Which motion did not prevail.

Mr. Wallace moved to amend said instructions so as to provide that the agent be authorized and required to appoint a deputy to reside at Indianapolis;

Which motion was decided in the negative.

Mr. Bigger moved to amend said instructions so as to request a removal of the present agency at Corydon to Indianapolis; or, if that should be considered inexpedient by the department, then to establish an additional office at Indianapolis;

Which motion was decided in the negative.

The question was then put on the motion to commit with instructions as proposed by Mr. Smith of K.,

And decided in the negative.

Mr. Carter moved to postpone the further consideration of said joint resolution indefinitely;

Mr. Willett called for the previous question, which was seconded by two members,

And was thereupon put, to-wit, shall the main question be now put?

And decided in the negative.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER:

The Senate has passed engrossed bills and a joint resolution entitled as follows:

An act to locate a state road from the east bank of the Wabash opposite Perrysville, to the Narrows of Sugar creek in Parke county;

An act to amend an act entitled an act for the encouragement of education, approved February 2, 1833;

An act declaring certain roads therein named state roads, and A joint resolution in relation to the acts and journals of the Indiana Territory, and of the State of Indiana;

In which bills and joint resolution the concurrence of the House of Representatives is requested.

The bill first named in said message was read the first time and passed to a second reading.

The bill secondly named in said message was read the first time, when

Mr. Crume moved to reject the same;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Bramwell, Brown of L., Carter, Clark, Colerick, Craig, Crume, Davis, De Pauw, Dorsey, Dunning, English, Evans, Fairman, Ferguson, Fields, Hargrove, Howell, Hughes, Huntington, Kelso, Kilgore, Leslie, M'Bean, M'Donald, Monroe, Nichols, Noble, Parker, Smith of F., Stuart, Thompson, Vandever, Williams, Wilson, and Yocom—38.

*And those who voted in the negative, are*

Messrs. Beem, Bigger, Brackenridge, Bradbury, Brady, Brown of T., Dunn, Edwards, Fowler, Gookins, Guard, Guion, Hardesty, Jones, Kiser, Levenworth, Moore, Pearson, Picrey, Reid, Smith of K., Smith of R., Snapp, Stanford, Steele, Thornberry, Wallace, Willett, Wright of P., Wright of P. and D., and Palmer, Speaker—31.

So said bill was rejected.

And then the House adjourned until to-morrow morning at 9 o'clock.

## TUESDAY MORNING, DEC. 31, 1833.

The House met pursuant to adjournment,

And resumed the consideration of the message from the Senate pending at the adjournment on last evening.

The bill thirdly named, and the joint resolution fourthly and lastly named in said message, were severally read the first time and passed to a second reading.

On motion of Mr. Wright of P.,

The previous orders of the day were suspended, and the engrossed bill to amend an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Parke county, approved Dec. 28, 1832,

Was read the third time and passed.

Ordered, That it be entitled an act, and that Mr. Wright of P. carry the same to the Senate and ask their concurrence.

On motion of Mr. Dunning,

The several orders of the day which precede the engrossed bill



for the relief of Nathan Padgett, were for the present postponed;  
Said bill was then read a third time and passed.

*Ordered*, That it be entitled an act, and that Mr. Dunning carry it to the Senate and ask their concurrence.

On motion of Mr. Howell,

The orders of the day were for the present postponed and Mr. Howell, (after having obtained leave,) presented a bill to authorize the Sheriff of Spencer county to summon a grand and petit jury for the April term of the Spencer circuit court;

Which was read the first time and passed to a second reading.

On motion of Mr. Brown of L.,

The several orders of the day were further suspended, and Mr. Brown of L., on leave being granted, presented a bill to amend an act entitled an act for opening and repairing public roads and highways, approved February 10th, 1831;

Which was read the first time and passed to a second reading.

Mr. Brady presented a petition of Obed Harris and others, praying a change in part of the state road leading from the National road to the Lafayette state road at Bush's run;

Which was read and referred to the committee on roads; and,

On motion of the same gentleman, (leave having been given,)

The bill to vacate a part of a state road therein named, laid on the table on the 16th inst., was taken up and committed to the same committee.

Mr. Dorsey presented a petition of Nathaniel Albertson and others, citizens of Harrison county, praying to have a part of said county attached to the county of Floyd;

Which was read and referred to the same select committee to which was referred a petition of sundry persons, praying that a part of the county of Clark be attached to Floyd county.

On motion,

Messrs. Leslie, Wilson, Thompson, and Crum were added to the same select committee.

Mr. Wallace presented a petition of John Alling and others, praying a change in part of the state road leading from Madison via Vernon to Indianapolis;

Which was read and referred to a select committee of Messrs. Wallace, Bramwell, and Kiser.

Mr. Brown of T. presented a petition of Benjamin Reynolds and others, citizens of the territory attached to Carroll county, praying the formation of a new county out of the aforesaid territory;

Which was read and referred to a select committee of Messrs. Brown of T., M'Bean, Fairman, Clark, and Evans.

Mr. M'Bean presented a remonstrance of John Barr and others against the prayer of the last named petition;

Which was read and referred to the same select committee last named.

On motion of Mr. Stanford,

The petition of Ira Bailie and others, praying a state road from Knightstown to Freeport, and laid on the table on the 23d inst., was taken up and referred to a select committee of Messrs. Stanford, Bigger, and Davis.

Mr. Steele presented a remonstrance of William Addington and others against a law levying a tax on dogs;

Which was read and referred to the select committee to which a petition and remonstrance on the same subject were heretofore referred.

On motion,

Messrs. Angle, Brown of T. and Hughes, were added to the select committee last named.

On motion of Mr. Dunn,

The several orders of the day which precede the bill to amend an act entitled "an act to incorporate the Lawrenceburgh and Indianapolis rail road company," approved Feb. 2, 1832, were for the present postponed and the House proceeded to consider said bill.

The House then resolved itself into a committee of the whole on the bill last named, and after some time spent therein, the Speaker resumed the chair and Mr. Levenworth reported progress and asked leave to sit again, which leave was granted by the House.

And then the House adjourned until two o'clock, P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment.

Mr. Dunning from the joint committee of enrolled bills, reported that they did on the 30th instant, present to the Governor for his approval and signature bills and a joint resolution entitled bills and a joint resolution as follows:

An act to locate a state road from Mills' mill in Wayne county to the Falls of Fall creek in Madison county;

An act to provide for the sale of section sixteen, in township twenty-one, north of range nine west, in Warren county;

An act to facilitate the business of the Legislature;

A joint resolution to extend the time for completing Blackford's Reports.

Mr. Dunning from the joint committee of enrolled bills now report, that they have compared the engrossed with the enrolled bills of the Senate entitled acts as follows, (to-wit,) and a memorial and joint resolutions of the General Assembly entitled as follows:

An act to organize the county of Miami;

An act for the apportionment of a Senator and Representatives in the counties and territory therein named;

An act to amend an act entitled an act to locate a state road

from Delphi in Carroll county to Crawfordsville in Montgomery county, approved February 1st, 1833;

A memorial and joint resolutions relative to the improvement of a harbour at the mouth of Trail creek on Lake Michigan in the state of Indiana;

And find the same truly enrolled.

Whereupon,

The Speaker signed said bills, memorial and joint resolutions.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

Mr. Dunn moved that the orders of the day be for the present postponed, and that the House resume the consideration of the engrossed bill to amend an act entitled an act to incorporate the Lawrenceburgh and Indianapolis rail road company, approved February 2d, 1832;

Which motion was decided in the negative.

On motion of Mr. Steele,

The several orders of the day which precede the bill to alter and re-establish the charter of the town of Richmond, were for the present postponed, and the House proceeded to consider said bill.

The committee of the whole to which said bill was committed was discharged from the further consideration thereof.

On motion of Mr. Bigger,

So much of said bill as provides that the act shall be most favourably construed for the benefit of said corporation, was stricken out.

Mr. M'Donald moved to strike out that part of the bill which provides that said charter shall be submitted for adoption or rejection to the people of the town of Richmond;

Which motion did not prevail.

On motion of Mr. Steele,

Said bill was amended by inserting in the second section before the words "to the place of beginning," the following:

"To opposite the mouth of the west fork or Newman's creek, thence east thirty-eight perches, thence north fifty-two perches, to the place of beginning: *Provided, however*, That a majority of all the legal voters within the provisions of this act may at any time hereafter make such alterations in said bounds as they may deem expedient."

The said bill was then ordered to be engrossed and read a third time to-morrow.

The House then proceeded to consider the orders of the day, and resumed the consideration of the engrossed joint resolution of the General Assembly of the state of Indiana relative to the removal of the pension office, postponed on yesterday by the decision of the previous question in the negative.

Mr. Thompson moved to recommit the joint resolution to the same select committee who reported it, with instructions to add



a resolution expressive of the wish of this General Assembly that the present pension agent be retained in office.

Mr. Howell moved to postpone indefinitely the further consideration of the joint resolution and motion to recommit.

Mr. Stanford moved to lay the same on the table;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Bennett, Bigger, Brady, Bramwell, Colerick, Craig, Crume, Davis, Edwards, English, Evans, Fairman, Ferguson, Foster, Guard, Hardesty, Hughes, Huntington, Kelso, Kilgore, Kiser, Nichols, Piercy, Reid, Smith of F., Stafford, Stanford, Thornberry, and Willett—30.

*And those who voted in the negative, are*

Messrs. Beem, Brackenridge, Bradbury, Brown of L., Brown of T., Carter, Clark, Dorsey, Dunn, Dunning, Fields, Fowler, Gookins, Guion, Hargrove, Howell, Jones, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Moore, Parker, Pearson, Smith of K., Smith of R., Snapp, Steele, Stuart, Thompson, Vandever, Wallace, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D., Yocom, and Palmer, Speaker—40.

So said motion was decided in the negative.

The question recurred on the motion of Mr. Howell to postpone indefinitely,

And the ayes noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Brackenridge, Brown of L., Carter, Craig, Dorsey, Dunn, Dunning, English, Fields, Guion, Hargrove, Howell, Huntington, Kiser, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Moore, Parker, Smith of K., Smith of R., Snapp, Stuart, Thompson, Vandever, Wallace, Williams, Wilson, Wright of P. and D., and Palmer, Speaker—34.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Brady, Bramwell, Brown of T., Clark, Colerick, Crume, Davis, Edwards, Evans, Fairman, Ferguson, Foster, Fowler, Gookins, Guard, Hardesty, Hughes, Jones, Kilgore, Nichols, Pearson, Piercy, Reid, Smith of F., Stafford, Stanford, Steele, Thornberry, Willett, Woodruff, Wright of P., and Yocom—36.

So said motion was decided in the negative.

Mr. Kilgore thereupon moved to amend the instructions pro-

posed by Mr. Thompson by adding thereto the following—"Provided said agent will remove to Indianapolis, and that it be deemed right by the Secretary at war to retain him;"

Which motion was lost.

The question recurred on the motion of Mr. Thompson to re-commit with instructions, and being put,

It was decided in the negative.

And on the question, shall said joint resolution pass?

The ayes and noes being requested by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Brady, Bramwell, Brown of T., Clark, Colerick, Crume, Davis, Edwards, Evans, Fairman, Ferguson, Foster, Fowler, Gookins, Guard, Hardesty, Hughes, Jones, Kilgore, Kiser, Nichols, Noble, Pearson, Piercy, Reid, Smith of F., Stafford, Stanford, Steele, Thornberry, Willett, Woodruff, Wright of P., and Yocom—38.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Brackenridge, Brown of L., Carter, Craig, Dorsey, Dunn, Dunning, English, Fields, Guion, Hargrove, Howell, Huntington, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Moore, Parker, Smith of K., Smith of R., Snapp, Stuart, Thompson, Vandever, Wallace, Williams, Wilson, Wright of P. and D., and Palmer, Speaker—33.

So said joint resolution passed.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence.

The bill for the relief of William C. Bramwell, was read the second time.

Mr. Brady moved to strike out the county of Marion so as to exclude it from paying any portion of the sum so to be allowed;

Which motion did not prevail.

Mr. Brady moved to amend said bill so as to provide that the counties named therein should pay in proportion to the length of said road in each.

Mr. Woodruff moved to amend said amendment so that each county should pay in proportion to the amount of money expended in each;

Which motion was decided in the negative.

The question was then put on the motion of Mr. Brady,

And decided in the negative..

Said bill was then ordered to be engrossed and read a third time to-morrow.

The bill granting relief to George White, was read the second time.

Mr. Thompson moved to commit the same to a committee of the whole House for to-morrow;

Which motion did not prevail.

On motion of Mr. Brown of L.,

Said bill was amended by striking out so much as requires the same to be published in the Indiana Journal and Democrat.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Craig from the select committee to which was referred a petition of Joshua Elkins and others, (after having obtained leave) presented a bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831;

Which was read the first time, when

Mr. M'Donald moved to reject the same,

Which motion was decided in the negative.

The bill to establish a state road from Liberty in Union county to the state line in a direction to Germantown, Ohio,

Was read the second time and ordered to be engrossed and read a third time to-morrow.

Mr. Kelso from the select committee to which was referred a petition on that subject, (after having obtain leave,) presented a bill to change a part of a certain state road therein named;

Which was read the first time and passed to a second reading.

On motion of Mr. Bramwell,

The House proceeded to consider bills on their third reading.

The engrossed bill to repeal a certain act now in force and for other purposes,

Was read the third time, when

Mr. Pearson moved to recommit it to the committee on roads with instructions to amend it so that the penalty shall not attach unless the obstruction be caused by the act of the party;

Which proposed instructions were,

On motion of Mr. Carter,

So amended as to authorize the collection of the penalty before a justice of the peace, instead of by presentment or indictment.

Mr. Bigger moved a further amendment to the instructions by directing the committee to strike out the 7th section which attaches a penalty to the owner of land for causing or permitting obstructions to remain in the highway upon his land;

Which motion passed in the affirmative.

The question recurring on the motion of Mr. Pearson to recommit with instructions as amended,

It was thereupon put, and passed in the affirmative.

The engrossed memorial and joint resolution of the Legislature of the state of Indiana praying relief for William Bilsland,

Was read a third time and passed.

Ordered, That the clerk carry the same to the Senate and ask their concurrence.



The engrossed bill from the Senate to establish a state road from Bloomington in Monroe county to Spencer in Owen county, Was read the third time.

Mr. Moore moved to commit said bill to a committee of the whole House for to-morrow, with instructions to strike out so much as relates to Aquilla Rogers as commissioner and insert in lieu thereof James Galletely of Owen county; and also to strike out so much as makes Jonathan Gilbert's a point in said road:

Which motion did not prevail.

The question was then put, shall said bill pass?

And carried in the affirmative.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Brown of T. moved that the House adjourn until Tuesday morning next at 9 o'clock;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Brady, Bramwell, Brown of T., Colerick, Davis, Dunn, Dunning, English, Evans, Fairman, Guard, Hargrove, Huntington, Kelso, M'Bean, M'Donald, Monroe, Moore, Parker, Pearson, Reid, Smith of K., Stafford, Stuart, Thompson, Vandever, Willett, Williams, Wilson, Wright of P., Wright of P. and D., and Palmer, Speaker—34.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Bennett, Brackenridge, Bradbury, Brown of L., Carter, Clark, Crume, Dorsey, Edwards, Ferguson, Fields, Foster, Fowler, Gookins, Guion, Hardesty, Howell, Jones, Kilgore, Kiser, Leslie, Levenworth, Nichols, Piercy, Smith of F., Smith of R., Stanford, Steele, Thornberry, Wallace, Woodruff, and Yocom—34.

So said motion was decided in the negative.

Mr. Dunn gave notice that on to-morrow he would move the following resolution:

*Resolved*, That the order of business during the present session shall be, after reading the journals each morning, 1st, bills on their first reading; 2d, bills on their second reading; 3d, bills on their third reading; 4th, matters in committee of the whole, and then the other business of the House in its present order.

On motion of Mr. Colerick,

*Resolved*, That this House direct the door-keeper to deliver to the board of canal commissioners for the use of said board thirty-six printed copies of the report made by said commissioners to this House.

Mr. Wallace moved the following resolution:

*Resolved*, That a select committee be appointed to prepare and report to this House a memorial to Congress, praying a change to

be made in the laws regulating the affairs and management of the General Post office department, so as to provide that an Assistant or Deputy Postmaster General shall be appointed, who shall reside at the seat of government of each state, and shall be entrusted with the general superintendence of all the business connected with the general post office in the state for which such assistant or deputy is appointed; such as appointing postmasters, establishing and regulating mail routes, letting contracts for the transportation of the mails, receiving quarterly returns of postmasters, paying postmasters and others who may have charges against the department, and such other business as Congress may in their wisdom assign said assistant;

Which was read and laid on the table.

Mr. Evans moved that the House adjourn until Thursday morning next at 8 o'clock;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Brady, Bramwell, Brown of T., Colerick, Davis, Dunn, English, Evans, Fairman, Guárd, Hughes, Huntington, Kelso, M'Bean, M'Donald, Monroe, Moore, Parker, Pearson, Piercy, Reid, Smith of K., Snapp, Stafford, Stuart, Vandever, Willett, Wilson, Wright of P., Wright of P. and D., and Palmer, Speaker—32.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Bennett, Bigger, Brackenridge, Bradbury, Brown of L., Carter, Clark, Craig, Crume, Dorsey, Dunning, Edwards, Ferguson, Fields, Foster, Fowler, Gookins, Guion, Hardesty, Hargrove, Howell, Jones, Kilgore, Kiser, Leslie, Levenworth, Nichols, Noble, Smith of F., Smith of R., Stanford, Steele, Thompson, Thornberry, Wallace, Williams, Woodruff, and Yocom—40.

So said motion was decided in the negative.

Mr. Howell moved that the House adjourn until to-morrow at two o'clock, P. M.;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Brady, Brown of T., English, Fairman, Howell, Noble, Vandever, Willett, Williams, Wright of P., and Palmer, Speaker—11.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Bennett, Bigger, Brackenridge, Bradbury, Bramwell, Brown of L., Carter, Clark, Colerick, Craig, Crume, Davis, Dorsey, Dunn, Dunning, Edwards, Evans, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Hughes, Huntington, Jones, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Moore, Nichols, Parker, Pearson, Piercy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Thornberry, Wallace, Wilson, Woodruff, Wright of P. and D., and Yocom—61.

—So said motion did not prevail.

And then the House adjourned until Thursday morning next at half past 8 o'clock.

## THURSDAY MORNING, JANUARY 2, 1834.

The House met pursuant to adjournment.

Messrs. Davenport and Vance who heretofore had leave of absence from the service of this House, appeared and took their seats.

Mr. Dunn, (leave having been given,) now moved the resolution relative to a change in the order of business, of which he gave notice on the 31st ult. having first modified the same by striking out "bills on their first reading."

Mr. Bigger moved to amend said resolution so as to give reports of standing and select committees precedence in the order of business to bills in committee of the whole.

Mr. Evans moved to amend said amendment in such manner as to postpone the operation of said resolution until tomorrow;

Which motion passed in the affirmative.

The amendment of Mr. Bigger as amended was agreed to, and on the question to adopt the resolution as amended,

It passed in the affirmative.

Mr. Davenport presented a petition of the administrators and heirs of Jesse Lane, dec., praying the vacation of the town of Uniontown, in Boone county;

Which was read and referred to the select committee to which a resolution on the same subject was heretofore referred.

Mr. Kilgore presented a petition of Elias Murray and others, praying an act to organize the county of Huntington;

Which was read and referred to a select committee of Messrs. Kilgore, Colerick and M'Bean.

Mr. Bradbury presented a petition of Joseph Sheller and oth-



ers, praying a law authorizing said Sheller to make and draw a lottery;

Which was read and laid on the table.

Mr. Foster presented a report of the proceedings of sundry persons of Madison county, on the subject of a canal or rail road from Fort Wayne to a navigable point on White river, via Indianapolis;

Which was read and referred to the committee on canals and internal improvements.

Mr. Davenport presented a remonstrance of Abn'r H. Longley and others, against a change in the Danville and Frankfort state road.

Which was read and laid on the table.

Mr. Kilgore presented a petition of Elias Murray and others, praying a state road from the Ohio line, near Fort Recovery, to Goshen, in Elkhart county;

Which was read and referred to the committee on roads.

Mr. Davenport presented a petition of Abner H. Longley and others, praying a state road from a point on the National Road near Indianapolis, to Jamestown in Boone county;

Which was read and referred to the committee on roads.

Mr. Yocom presented a petition of Mordicai Dunney and others, praying a state road from Bloomington to Terre Haute;

Which was read and referred to the committee on roads.

Mr. Davenport presented a petition of Abner H. Longley and others, praying a state road from Bridgeport to Lebanon;

Which was read and referred to the committee on roads.

Mr. Crume made the following reports:

1st. The committee of ways and means to which was referred a resolution of this House instructing them to enquire into the propriety of amending the act to license and regulate taverns and groceries, approved Feb. 3d, 1832, so as to authorize the clerks of the several counties in this state, to grant permits to persons who may wish to establish groceries in vacation of the meetings of the courts doing county business, in the same manner as permits are now granted to tavern keepers, upon their taking such preliminary steps as are now required for licenses; have had that subject under consideration, and a majority of said committee have directed me to report that in their opinion, it is unnecessary to legislate on that subject at this time.

2d. The committee of ways and means to which was referred a resolution of this House, instructing them to enquire into the expediency of so amending the law providing for the raising of state and county revenue so as to make steers of the age of three years and upwards, money at interest, stocks in banking and in incorporated companies, objects of taxation, have had that subject under consideration, and have directed me to report, that as the several articles specified in the resolution will be reached in a

bill ordered to be reported by this committee, changing the mode of taxation: therefore they deem it inexpedient further to legislate on that subject;

Which reports were severally read and concurred in.

Mr. Brown of T. made the following report:

The committee of ways and means to whom were referred two resolutions adopted by the House on the 12th of December, instructing them to enquire into the expediency of changing the mode of assessing and collecting the revenue for state and county purposes, and to report a bill for the same according to the principles of an ad valorem system, have had that subject under consideration, and a majority of said committee have directed me to report a bill. The committee consider the subject one of much importance and interest, and entitled to attention. They believe that each individual in the community should render some equivalent for the privileges and blessings offered him in the administration of the government, and that taxation should be proportioned to the amount of property which receives protection and security from the state.

The bill accompanying said report entitled a bill to amend an act for assessing and collecting the revenue, approved Feb. 10, 1831; and to provide for an equitable and uniform mode of taxation;

Was read the first time, when

Mr. Wallace moved to reject the same;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bradbury, Bramwell, Crume, Dorsey, Edwards, Ferguson, Foster, Jones, Levenworth, M'Donald, Monroe, Noble, Reid, Smith of F., Smith of K., Snapp, Stanford, Steele, Stuart, Thompson, Thornberry, Wallace, Williams, and Palmer, Speaker.—25.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bigger, Brackenridge, Brady, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Davenport, Davis, De Pauw, Dunn, Dunning, English, Evans, Fairman, Fields, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Huntington, Kelso, Kilgore, Leslie, M'Bean, Moore, Nichols, Parker, Pearson, Piercy, Smith of R.,

Stafford, Vance, Vandever, Willett, Wilson, Woodruff; Wright of P., Wright of P. & D., and Yocom—50.

So said motion was decided in the negative.

Mr. Evans moved that 150 copies of said bill be printed.

Mr. Pearson moved 300 copies.

A division of the question was called for by Mr. Huntington.

The first branch thereof was thereupon put, to wit:

Shall said bill be printed?

And passed in the affirmative.

The question was then put on the motion of Mr. Pearson, to print 300 copies of said bill,

And passed in the affirmative.

Mr. Evans from the judiciary committee to which was referred a resolution on that subject, reported a bill to subject choses in action and equitable titles to real property to the payment of debts;

Which was read the first time and passed to a second reading.

Mr. Bigger from the judiciary committee to which was referred a resolution to enquire what amendments, if any, are necessary to carry into effect the 14th section of the 11th article of the constitution of this state; reported a bill relative to county officers;

Which was read the first time and passed to a second reading.

Mr. Pearson made the following report:

The committee on education to which was referred a resolution directing an enquiry into the expediency of so amending the act entitled "an act incorporating Congressional townships, and providing for public schools therein," as to alter the present mode of distributing the school fund to the several school districts, and prevent those districts first organized from drawing the whole of the interest, have had that subject under consideration, and have directed me to report, that in their opinion, further legislation on that subject at this time is inexpedient, and the committee ask to be discharged from the further consideration of the resolution;

Which was read, when,

On motion of Mr. Hardesty,

It was committed to a select committee with instructions to report a bill favourable to the object of the resolution.

Ordered, That Messrs. Hardesty, Huntington, and Bennett be that committee.

Mr. Steele from the committee on roads, to which was recommended the bill to repeal a certain act now in force, reported the same with one amendment;

Which was read and concurred in.

Ordered, That said bill be engrossed and read a third time tomorrow.

Mr. Steele from the same committee to which was referred sundry papers relating thereto, reported a bill to amend an act entitled an act to locate a state road from Orleans, in Orange



county, via Livonia, in Washington county, to intersect a state road leading from New Albany to Vincennes, in the direction of Greenville, in Floyd county, approved Feb. 2. 1833;

Which was twice read, (the rules of the House having first been dispensed with,) and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Huntington,

The bill to establish a point in the Fredericksburgh and Terre-Haute state road, heretofore laid on the table, was taken up and ordered to be engrossed and read a third time to-morrow.

Mr. Howell from the committee on roads, to which was referred a resolution on that subject, reported a bill to amend an act entitled an act for opening and repairing of public roads and highways, approved Feb. 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Clark from the select committee to which was referred a resolution relating to private rights &c., secured by certain sections in the constitution, reported a bill to repeal a part of an act therein named;

Which was read the first time, when

Mr. Kilgore moved to reject the same,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bigger, Brackenridge, Bradbury, Brady, Bramwell, Davenport, De Pauw, Dunn Fairman, Ferguson, Foster, Fowler, Gookins, Guard, Hardesty, Hargrove, Jones, Kilgore, Kiser, Levenworth, M'Donald, Piercy, Reid, Smith of F., Smith of R., Stanford, Steele, Thompson, Thornberry, Wallace, Woodruff, Wright of P., and Wright of P. and D.—33.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Brown of L., Brown of T., Clark, Colerick, Craig, Crume, Davis, Dorsey, Dunning, Edwards, English, Evans, Fields, Guion, Howell, Hughes, Huntington, Kelso, Leslie, M'Bean, Monroe, Moore, Nichols, Noble, Parker, Pearson, Smith of K., Snapp, Stafford, Stuart, Vance, Vandever, Willett, Williams, Wilson, Yocom, and Palmer, Speaker—41.

So said motion was decided in the negative.

Ordered, That said bill pass to a second reading.

Mr. Kiser made the following report:

The select committee to whom was referred the petition of John Eldridge and others, on the subject of changing road labour

to clearing out Clifty creek, in Bartholomew county, have had the same under consideration, and a majority of said committee have directed me to report inexpedient to legislate on that subject at this time;

Which was read and concurred in.

Mr. Howell made the following report:

The select committee to whom was referred a resolution of this House, directing them to enquire into the expediency of reducing the fees of supervisors of public roads and highways, have had that subject under consideration, and directed me to report that it is inexpedient to legislate on that subject.

Which was read and concurred in, and the committee discharged.

Mr. Stanford made the following report:

The select committee to which was referred the petition of M. Brown and others, praying for the re-location of a state road, report the petition back to the House, and ask to be discharged from the further consideration thereof;

Which was read and the committee discharged accordingly.

On motion of Mr. Stanford,

*Ordered*, That said petition do lie on the table.

Mr. Bennett from the joint committee of enrolled bills, report that they have compared the enrolled with the engrossed bills, entitled acts as follows, viz:

An act to establish a state road from Rising Sun to Lawrenceb'gh, in Dearborn county, and

An act to establish a State road from Dayton, in Tippecanoe county, to the Michigan road, in Clinton county:

And find them truly enroled.

Whereupon,

The Speaker signed said bills.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

Mr. English from the joint committee of enrolled bills report, that they did on this day present to the Governor for his approval and signature, memorial, joint resolution, and acts as follows, to wit:

A memorial and joint resolution relative to the improvement of a harbour at the mouth of Trail creek on Lake Michigan, in the State of Indiana;

An act to amend an act entitled an act to locate a state road from Delphi, in Carroll county, to Crawfordsville in Montgomery, county approved Feb. 1st. 1833;

An act for the apportionment of a Senator and Representatives in the counties and territory therein named; and

An act to organize the county of Miami.

Mr. Dunning from the select committee to which was referred the bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state; appro-

ved Jan. 19, 1831; reported the same with two amendments;  
Which were read and concurred in.

Mr. Willett moved to strike out the second section of said bill.

Mr. Carter moved to amend said amendment, by striking out \$3, the penalty in said section, and inserting in lieu thereof one dollar;

Which motion was decided in the negative.

The question was then put on the motion of Mr. Willett,  
And decided in the negative.

Ordered, That said bill be engrossed and read a third tomorrow.

Mr. Fairman from the select committee to which was referred a petition on that subject, reported a bill to incorporate the several townships in the county of Tippecanoe;

Which was read the first time, and passed to a second reading.

A message from the Senate by Mr. Morris, their secretary.

Mr. SPEAKER:

The Senate has passed an engrossed bill and memorial of the House of Representatives, entitled

An act to declare a certain road therein named a state road; and

A memorial of the Legislature of the State of Indiana to the President of the United States, on the subject of the extinguishment of title of the Miami tribe of Indians, to land within the said State, without amendment.

The House resumed the consideration of the resolution relative to prison and prison bounds, arrested on the 28th of December by the expiration of the hour allotted to resolutions.

The question then recurred on the pending motion made by Mr. Carter, to postpone said resolution indefinitely.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bennett, Bigger, Bradbury, Bramwell, Brown, of L., Carter, Clark, Davenport, Davis, Dunn, Dunning, Edwards, Ferguson, Fields, Foster, Fowler, Guard, Guion, Hargrove, Howell, Hughes, Jones, Leslie, M'Donald, Monroe, Reid, Smith of F., Stanford, Steele, Thornberry, Vandever, Wallace, Williams, Woodruff, Wright of P., Wright of P. and D., and Palmer, Speaker—39.

*And those who voted in the negative, are*

Messrs. Baber, Brackenridge, Brady, Brown of T., Co-



kerick, Craig, Crume, De Pauw, Dorsey, English, Evans, Fairman, Gookins, Hardesty, Huntington, Kelso, Kilgore, Kiser, Levenworth, M'Bean, Moore, Nichols, Parker, Pearson, Piercy, Smith, of K., Smith of R., Stafford, Stuart, Thompson, Varce, Willett, Wilson, and Yocom—35.

So said resolution was indefinitely postponed.

Mr. Smith of F. moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of providing by law, that whenever hereafter the testimony of any president judge, or attorney at law, may be required in any cause pending in any circuit court out of the circuit in which such judge or attorney resides, or when the testimony of any associate judge, clerk of the court, or sheriff may be required in any cause pending in the circuit court of any other county than that in which such j'dg cl'k or sh'ff resides, and where the courts in such counties shall sit at the same time, that the deposition of such president judge, attorney at law, associate judge, clerk of the court or sheriff, may be taken under the same rules as depositions are now taken in other cases, and the personal attendance of such persons at such courts be dispensed with;

Which was read, when,

Mr. Pearson moved to strike out so much as relates to attorneys at law;

Which motion did not prevail.

The question was then put on the adoption of the resolution, And decided in the affirmative.

Mr. Evans moved the following resolution:

*Resolved*, That the judiciary committee be instructed to report a bill to repeal so much of an act entitled an act regulating prison and prison bounds, approved Dec. 22, 1823, as relates to prison bounds, and also to repeal so much of the 7th section of the act for the relief of insolvent debtors, as requires the said debtor to give bond and security

Mr. Thompson moved to strike out the latter clause thereof;

Which motion did not prevail.

The question was then put, shall said resolution be adopted?

Which was decided in the negative.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Bigger, (after having obtained leave,) presented a bill for the relief of the heirs of John Horlock, late of the county of Rush, deceased;

Which was read the first time and passed to a second reading.

Mr. Brady (after having obtained leave,) presented a joint res-

olution relative to horses that were lost by Indiana Rangers, in the service of the United States;

Which was read the first time and passed to a second reading.

Mr. Vandever on leave being granted, moved the following resolution:

*Resolved*, That the committee on education be instructed to enquire into the expediency of repealing the law concerning free negroes and mulattoes, and further enquire into the expediency of assessing and collecting a tax of \$2, from each negro and mulatto, for school purposes, to be applied in common schools in the districts where such free negro and mulatto reside; with leave to report by bill or otherwise;

Which was read and adopted.

Mr. Brown of L., after having obtained leave, moved the following resolution:

*Resolved*, That the committee of ways and means be instructed to enquire into the propriety of amending so much of the revenue laws as relates to the taxing of retailers of foreign merchandize so in proportion to their capital so invested, with leave to report by as to equalize said tax bill or otherwise;

Which was read agreed to.

Mr. Kiser, after having obtained leave, presented a bill to legalize the proceedings of county commissioners of Bartholomew, at their January term in 1832;

Which was read the first time and passed to a second reading.

Mr. Kilgore, after having obtained a suspension of the order of business, moved the following resolution, which was read and agreed to:

*Resolved*, That the committee on claims be instructed to enquire into the expediency of making an allowance to Samuel Bigger, Esq. for services as special prosecutor in the Randolph, Wayne, Union and Fayette circuit courts, in the fall term of 1833, in the absence of the regular Prosecuting Attorney owing to sickness.

Mr. Parker, after having obtained leave, presented a joint resolution relative to the franking privilege;

Which was read the first time and passed to a second reading.

Mr. Gookins, after having obtained leave, presented a bill to amend an act entitled "an act for the encouragement of education," approved Feb. 2, 1833;

Which was read the first time and passed to a second reading.

Mr. Nichols, after having obtained leave, presented a bill to authorize Daniel Bales of Morgan county to pay over to James T. Hadley the sum of \$15 out of the road fund in his hands;

Which was read the first time and passed to a second reading.

Mr. Moore, after having obtained a suspension of the order of business, moved the following resolution, which was read and adopted, to wit:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending an act entitled "an act for the

relief of the poor," approved Feb. 10, 1831, as to authorize the overseers thereof to claim any property which they may have reason to believe should be liable to the support of any pauper under their care, and to call a jury to determine on such claim, with leave to report by bill otherwise.

Mr. Carter, after having obtained leave, presented a bill to repeal an act entitled "an act regulating medical societies," approved Jan. 30, 1830;

Which was read the first time and passed to a second reading.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate has passed engrossed bills of the House entitled,  
An act to amend an act entitled "an act to provide for the location of a certain state road therein named," approved Jan. 24, 1832;

An act to amend an act entitled "an act to improve Lost river, White Water river, &c.," approved Jan. 18, 1830;

An act to change a part of the Shelbyville and Greenfield state road, without amendment, and

An act to provide for the election of a justice of the peace in the town of Gosport in Owen county, with an amendment.

The Senate has also passed bills of the Senate entitled,  
An act in amendment to an act entitled an act to quiet certain titles in Mount Vernon and for the benefit of Thomas Givens;

An act to amend the act entitled "an act regulating the jurisdiction and duties of the justices of the peace," approved, Feb. 10, 1833, and

An act to locate a state road from Jamestown in Boone county by the way of Russelsville in Putnam county to intersect the state road from Crawfordsville to Rockville,

In which bills of the Senate and the amendment proposed to the bill of the House, the concurrence of the House of Representatives is requested.

The amendment proposed by the Senate to the bill of the House last above named, was read and agreed to.

*Ordered,* That the clerk inform the Senate thereof.

The bills of the Senate named in the above message were severally read the first time and passed to a second reading.

Mr. Smith of K., after having obtained leave, presented a bill supplemental to the act or acts incorporating the borough of Vincennes;

Which was read the first time and passed to a second reading.

The House then proceeded to consider the orders of the day.

The engrossed bill from the Senate to authorize an asylum for the poor of the counties of Franklin, Fayette and Union, was read the second time, and

On motion of Mr. Bennett,



Committed to the same select committee to which a bill of the House of the same title is committed.

Engrossed bills from the Senate of the following titles, to wit:

An act to locate a state road from Danville in Hendricks county via Jamestown and Thorntown in Boone county to intersect the Indianapolis and Lafayette state road at or near Prairieville in Clinton county;

An act to authorize the expenditure of the 3 per cent. fund heretofore appropriated for Adams county;

An act for the benefit of literary societies, and

An act to incorporate the Corydon steam mill company,

Were severally read the second time and ordered to be read a third time to-morrow.

The engrossed bill from the Senate to incorporate the Perry county seminary,

Was read the second time and committed to a committee of the whole House for to-morrow.

The bill to authorize the recorder of Sullivan county to record a town plat therein named;

The bill granting relief to persons who made improvements on the Indianapolis donation;

The bill for the relief of Alexander Massey, and

The bill to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved Feb. 10, 1831,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The bill to amend an act entitled "an act defining and regulating privileges in certain cases, approved Dec. 31, 1817,

Was read the second time and committed to a committee of the whole House for to-morrow.

The bill to locate a state road from Milton in Wayne county to Muncietown in Delaware county,

Was read the second time and recommitted to the same select committee by which it was reported.

The bill to locate a part of the Martinsville, Bellville, Danville and Frankfort State road and for other purposes,

Was read the second time and recommitted to the same select committee by which it was reported.

Mr. Willett from the committee on education to which was re-committed the engrossed bill to amend an act entitled an act to provide for the sale of certain lands therein named, approved Feb. 2, 1833, (after having obtained leave) reported the same with two amendments;

Which were read and concurred in by the House.

Ordered, That said bil be engrossed and read a third time to-morrow.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill of the House entitled, An act for incorporating the Wabash manual labor college and teachers seminary, with an amendment in which the concurrence of the House of Representatives is requested.

The above named amendments was read and concurred in.

*Ordered*, That the clerk inform the Senate thereof.

The bill for the relief of Rebecca M'Kown,

Was read the second time.

A motion was made by Mr. Stanford that it be committed to a committee of the whole House for Monday next,

Which motion did not prevail.

Mr. Kelso moved to postpone the further consideration thereof indefinitely,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bennett, Bigger, Brackenridge, Bradbury, Brady, Brown of L., Carter, Colerick, Davis, De Pauw, Dunn, Edwards, Ferguson, Hargrove, Howell, Jones, Kelso, Kilgore, Levenworth, Noble, Pearson, Reid, Smith of R., Stanford and Steele—25.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bramwell, Brown of T., Clark, Craig, Crume, Davenport, Dorsey, Dunning, English, Evans, Fairman, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hughes, Huntington, Kiser, Leslie, M'Bean, M'Donald, Monroe, Moore, Nichols, Parker, Piercy, Smith of F., Smith of K., Snapp, Stafford, Stuart, Thompson, Thornberry, Varce, Vandever, Wallace, Willett, Williams, Wilson, Woodruff, Wright of P. and D., Yocom and Palmer, Speaker—50.

So said motion was decided in the negative.

It was thereupon, ordered that said bill be engrossed and read a third time to-morrow.

Mr. Fairman moved to reconsider the vote taken this afternoon on concurring in the amendment made by the Senate to the bill for incorporating the Wabash manual labor college and teachers seminary;

Which motion passed in the affirmative.

And before any further question was had thereon,

The House adjourned until to-morrow morning at 9 o'clock.

## FRIDAY MORNING, JANUARY 3, 1834.

The House met pursuant to adjournment,

And resumed the consideration of the engrossed bill for incorporating the Wabash manual labor college and teacher's seminary, pending at the adjournment on last evening.

On motion of Mr. Evans,

*Ordered*, That said bill do lie on the table.

Mr. Huntington, (on leave being granted,) presented a petition of Samuel M'Quilkin and others, praying a law making articles left with tradesmen, mechanics, &c., subject to sale after a certain period;

Which was read and referred to a select committee of Messrs. Huntington, Fairman, and Stanford.

Mr. Kelso, (after having obtained leave,) presented a petition of Silas W. Sever and others, citizens of Switzerland county, praying a change in the law respecting a county seminary and the seminary funds of Switzerland county, approved January 19, 1828, together with sundry other accompanying papers relative to the same subject;

Which were severally read and referred to a select committee of Messrs. Kelso, Dunn, and Reid.

The House then proceeded to consider the orders of the day.

The bill to incorporate the town of Centreville, Wayne county, Indiana;

Was read the second time and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the Senate to incorporate the Rising Sun insurance company,

Was read the second time, and,

On motion of Mr. Dunn, committed to a select committee.

*Ordered*, That Messrs. Dunn, Guard, and Wright of P. be that committee.

The engrossed bill from the Senate to establish a state road from Bedford in Lawrence county, via Washington in Daviess county, to the rapids of the Wabash river at or near the mouth of White river,

Was read the second time, and

On motion of Mr. Brown of L.,

Committed to a select committee of Messrs. Brown of L., M'Donald, and Snapp.

The bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved January 19th, 1831,

Was read the second time.

Mr. Bramwell moved to recommit it to the select committee by which it was reported with instructions so to amend it as to limit the annual allowance to clerks and sheriffs respectively to \$100.



Mr. Carter moved to postpone indefinitely the further consideration of said bill and motion to recommit;

And the ayes and noes being demanded by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Brady, Carter, Clark, Craig, Crume, Davenport, Davis, De Pauw, Dorsey, Dunning, Ferguson, Fields, Foster, Fowler, Gookins, Guion, Hardesty, Hargrove, Howell, Kiser, Levenworth, Moore, Nichols, Noble, Piercy, Reid, Smith of F., Smith of R., Stafford, Stanford, Vandever, Willett, Williams, Woodruff, Wright of P. and D. and Yocom—38.

*And those who voted in the negative, are*

Messrs. Beem, Bennett, Bigger, Brackenridge, Bradbury, Bramwell, Brown of L., Brown of T., Colerick, Dunn, Edwards, English, Evans, Fairman, Guard, Hughes, Huntington, Jones, Kelso, Kilgore, Leslie, M'Bean, M'Donald, Monroe, Parker, Pearson, Smith of K., Snapp, Steele, Stuart, Thompson, Thornberry, Vance, Wallace, Wilson, Wright of P., and Palmer, Speaker—37.

And so said bill and pending motion were indefinitely postponed.

The bill to authorize a change of venue in criminal cases, was read the second time.

Mr. Bigger moved to postpone the same indefinitely;

And the ayes noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bigger, Bradbury, Bramwell, Brown of L., Brown of T., Carter, Clark, Davenport, Davis, De Pauw, Dorsey, Dunning, Edwards, Evans, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Hardesty, Howell, Hughes, Huntington, Jones, Levenworth, M'Donald, Moore, Piercy, Reid, Smith of K., Smith of R., Snapp, Stafford, Steele, Stuart, Vance, Willett, Woodruff, Wright of P., Wright of P. and D., Yocom, and Palmer, Speaker—45.

*And those who voted in the negative, are*

Messrs. Brackenridge, Brady, Colerick, Craig, Crume, Dunn, English, Fairman, Guion, Hargrove, Kelso, Kilgore, Leslie, M'Bean, Monroe, Nichols, Noble, Parker, Smith of F., Stanford, Thompson, Thornberry, Vandever, Wallace, Williams, and Wilson—26.

So said bill was indefinitely postponed.

And then the House adjourned until two o'clock, P. M.

2 o'clock P. M.

The House met pursuant to adjournment,

And continued the consideration of the orders of the day.

The bill declaring a certain road therein named a state road, and to provide for a continuation of said road,

Was read the second time and ordered to be engrossed and read a third time to-morrow.

The bill relative to the removal of seats of justice and for other purposes,

Was read the second time, and

On motion of Mr. Gookins,

Committed to the same committee who reported it.

A message from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER:

His Excellency did, on yesterday, approve and sign,

A joint resolution to extend the time for completing Blackford's Reports.

An act to facilitate the business of the Legislature;

An act to provide for the sale of section sixteen, in township twenty-one, north of range nine west, in Warren county; and

An act to locate a state road from Mills' mill in Wayne county to the Falls of Fall creek in Madison county;

Which joint resolution and bills originated in the House of Representatives.

The bill establishing a state bank was read the second time and committed to a committee of the whole House and made the order of the day for Monday next.

The bill to amend an act relative to crime and punishment, approved February 10<sup>th</sup>, 1831,

Was read the second time, when

Mr. Leslie moved to postpone the further consideration thereof indefinitely;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Brady, Brown of L., Brown of T., Carter, Clark, Craig, Crume, Davenport, Davis, Dorsey, Evans, Ferguson, Foster, Fowler, Hargrove, Howell, Hughes, Kelso, Kiser, Leslie, M'Donald, Monroe, Moore, Smith of R., Stanford, Vanderveer, Wilson, Wright of P. and D., and Yocom—31.

*And those who voted in the negative, are*

Messrs. Beem, Bigger, Brackenridge, Bradbury, Bramwell,

Colerick, De Pauw, Dunn, Dunning, Edwards, English, Fairman, Gookins, Guard, Hardesty, Huntington, Jones, Kilgore, Levenworth, M'Bean, Nichols, Noble, Parker, Pearson, Piercy, Reid, Smith of F., Smith of K., Snapp, Stafford, Steele, Stuart, Thompson, Thornberry, Vance, Wallace, Williams, Woodruff, Wright of P., and Palmer, Speaker—40.

So said motion was decided in the negative, when

On motion of Mr. Colerick,

Said bill was committed to a select committee of Messrs. Colerick, Wright of P., and Bigger.

The bill authorizing a loan for internal improvement and pledging the three per cent. fund for the payment thereof,

Was read the second time and committed to a committee of the whole House and made the order of the day for Thursday next.

The memorial on the subject of the National road, was read the second time.

On motion of Mr. Huntington,

The same was amended by striking out "\$200,000," the appropriation asked for, and inserting in lieu thereof "\$150,000."

Said memorial was then ordered to be engrossed and read a third time to-morrow.

The engrossed bill of the Senate to locate a state road from the east bank of the Wabash river opposite to Perrysville to the Narrows of Sugar creek,

Was read the second time.

On motion of Mr. Wright of P.,

Said bill was amended by providing that the counties through which said road passes shall pay in proportion to the length of the same in each.

Ordered, That said amendment be engrossed and the bill read a third time to-morrow.

Mr. Bennett from the joint committee on enrolled bills, reported that they have on this day presented to His Excellency the Governor for his approval and signature the following enrolled bills entitled acts, to-wit:

An act to establish a state road from Dayton in Tippecanoe county to the Michigan road in Clinton county; and

An act to establish a state road from Rising Sun to Lawrenceburgh in Dearborn county;

Mr. Bennett from the joint committee of enrolled bills reports, that they have compared the enrolled with the engrossed bills entitled acts as follows, viz:

An act to declare a certain road therein named a state road; and

A joint memorial of the Legislature of the state of Indiana to the President of the United States upon the subject of the extin-



guishment of the title of the Miami tribe of Indians to land within the said state, and find them truly enrolled.

Whereupon,

The Speaker signed said bill and memorial.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

The engrossed bill from the Senate declaring certain roads therein named state roads,

Was read the second time.

On motion of Mr. Beem,

The 4th section of said bill was amended by inserting after the word "Brownstown," the following words: "and Valonia;" and then,

On motion of Mr. Smith of R.,

Said bill was laid on the table.

The engrossed joint resolution from the Senate in relation to the acts and journals of the Indiana Territory and of the state of Indiana,

Was read the second time and committed to a committee of the whole House for to-morrow.

The bill to authorize the Sheriff of Spencer county to summon a grand and petit jury for the April term of the Spencer circuit court,

Was read the second time and ordered to be engrossed and read a third time to-morrow.

The bill to amend an act entitled an act for opening and repairing public roads and highways, approved February 10th, 1831,

Was read the second time, and

On motion of Mr. Howell,

Committed to a select committee.

Ordered, That Messrs. Howell, Fields, and Brown of L. be that committee.

Mr. Smith of K. moved to instruct said committee to repeal the 45th section of the road law of 1831;

Which motion did not prevail.

The bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831;

Was read the second time.

Mr. Moore moved to fill the blank in said bill with Owen county;

Mr. Yocom moved to add Clay county;

Mr. Wallace moved to commit the bill to a committee of the whole House for to-morrow;

Mr. Kilgore moved to postpone the further consideration thereof indefinitely;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bigger, Bradbury, Bramwell, Evans, Gookins, Howell, Hughes, Jones, Kilgore, Parker, Pearson, Reid, Smith of F., Smith of K., Snapp, Stanford, Steele, Stuart and Wallace—19.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Brackenridge, Brady, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Crume, Davenport, Davis, De Pauw, Dorsey, Dunning, Edwards, English, Fairman, Ferguson, Fields, Foster, Fowler, Guard, Guion, Hardesty, Hargrove, Huntington, Kelso, Kiser, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Moore, Nichols, Noble, Piercy, Smith of R., Stafford, Thompson, Thornberry, Vance, Vandever, Willett, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D., Yocom, and Palmer, Speaker—55.

So said motion was decided in the negative.

The question was then put on the motion of Mr. Wallace to commit,

And passed in the affirmative.

Mr. Bramwell, (after having obtained leave,) presented a bill authorizing the creation of a loan for the benefit of the state of Indiana and pledging the 3 per cent. fund for the payment thereof;

Which was twice read, (the rules of the House having first been dispensed with,) and committed to the same committee of the whole to which a bill on the same subject was heretofore committed, and made the order of the day for Thursday next.

On motion of Mr. Evans,

Mr. Stafford had leave from the service of the House until Wednesday next.

Mr. Kelso, on leave being granted, presented a petition of Wm. B. Campbell and others, praying a state road from New York in Switzerland county to intersect the state road leading from Vevay to Rising Sun, at or near Richard T. Goddard's;

Which was read and referred to a select committee of Messrs. Kelso, Smith of R., and Guion.

Mr. Colerick, after having obtained leave, presented a bill attaching certain unorganized territory to the county of Laporte for judicial purposes;

Which was read the first time and passed to a second reading.

Mr. Vandever, on leave being granted him, presented a joint resolution of the state of Indiana on the subject of the eminent domain and certain political heresies;

Which was twice read, (the rules of the House having first been dispensed with,) when

Mr. Kelso moved to postpone the further consideration thereof indefinitely;

And before the question was had thereon,

The House adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, JAN. 4, 1834.

The House met pursuant to adjournment,

And resumed the consideration of the joint resolution of the State of Indiana on the subject of the eminent domain and certain political heresies, pending at the adjournment on last evening.

The question was then put on the pending motion of Mr. Kelso to postpone indefinitely the further consideration thereof, And passed in the affirmative.

Mr. Brady from the committee on roads to which was referred a petition on that subject, leave being granted, reported a bill to relocate a part of the state road leading from the Cumberland road to the Lafayette road;

Which was read the first time and passed to a second reading.

Mr. Carter, after having obtained leave, presented a petition of John B. Smith and others, praying an act repealing a law establishing a state road from Bedford, to Beck's mill in Washington county, approved Jan. 4, 1832;

Which was read and referred to the committee on roads.

Mr. Howell having obtained leave presented a petition of Daniel Cummins and others praying a law authorizing the erection of a bridge across Anderson river;

Which was read and referred to a select committee of Messrs. Howell, Wright of P. and D. and Levenworth.

Mr. Brown L. made the following report:

The committee of ways and means to whom was referred a resolution instructing said committee to enquire into the propriety of amending so much of the revenue laws, as relates to the taxing retailers of foreign merchandize so as to equalize said tax in proportion to their capital so invested, have had that subject under consideration, and instructed me to report a bill entitled a bill to amend an act entitled an act for the assessing and collecting the revenue, approved Feb. 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Dunning, on leave being granted, presented a petition of George Hammer sen. and others, praying a law vacating a part of the State road leading from Wood's ferry in Lawrence county to Spencer in Owen county;

Which was read and referred to the committee on roads.

Mr. Piercy from the select committee to which was committed the engrossed bill from the Senate to locate a state road from Greencastle in Putnam county via New Maysville, Jamestown and Lebanon in Boon county to the Michigar road in Clinton county, reported the same with two amendments;

Which were read and concurred in.

*Ordered*, That said amendments be engrossed and the bill read a third time on Monday next.

Mr. Dorsey, after having obtained leave, presented a bill to



incorporate the New Albany and Jeffersonville rail road company;

Which was read the first time and passed to a second reading.

Mr. Brown of L. moved that 150 copies of the bill authorizing the creation of a loan for the benefit of the State of Indiana and pledging the 3 per cent fund for the payment thereof, presented by Mr. Bramwell on yesterday, be printed for the use of the members of this House:

Which motion did not prevail.

On motion of Mr. Dunning,

The petition presented by himself on the 27th ult. and laid on the table praying the repeal of a law of last session establishing a state road from John R. Crook's to Mark Trublood's, was taken up and referred to the committee on roads.

Mr. Moore, on leave being granted, presented a petition of Joel A. Dyer and others praying a repeal of the law establishing a state road from Wood's ferry in Lawrence county to Spencer in Owen county, and to declare a certain county road a state road;

Which was read and referred to the committee on roads.

Mr. Davenport from the select committee to which was referred a resolution and petition on that subject, reported a bill to vacate the town Union in Boone county, in the State of Indiana;

Which was read the first time and passed to a second reading.

On motion of Mr. Carter,

The House proceeded to consider bills on their third reading.

The engrossed joint resolution from the Senate on the subject of improving the navigation of the Ohio river at the Falls;

Was read the third time and passed.

*Ordered*, That the clerk inform the Senate thereof.

Engrossed bills of the following titles, to-wit:

A bill authorizing the opening of a part of the New Castle and Lafayette state road in Delaware county;

A bill to alter and re-establish the charter of the town of Richmond;

A bill for the relief of William C. Bramwell;

A bill to establish a state road from Liberty in Union county to the state line in the direction to Germantown Ohio;

A bill to establish points in certain state roads in Vigo county and for other purposes;

A bill to amend an act entitled an act to locate and establish a state road from Orleans in Orange county via Livonia in Washington county to intersect the state road leading from New Albany to Vincennes in the direction of Greenville in Floyd county, approved Feb. 2d, 1833;

A bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831;

A bill to authorize the recorder of Sullivan county to record a town plat therein named;

A bill granting relief to persons who made improvements on the Indianapolis donation; and

A bill for the relief of Alexander Massey,

Were severally read the third time and passed.

*Ordered*, That they be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

The engrossed bill providing for an additional place of holding elections in the several counties this state,

Was read the third time.

The question was then put, shall said bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bigger, Brackenridge, Bradbury, Bramwell, Brown of L., Brown of T., Craig, Davenport, Davis, Dorsey, Dunn, Edwards, English, Evans, Fairman, Fields, Foster, Gookins, Guion, Hardesty, Hargrove, Hughes, Huntington, Jones, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Donald, Monroe, Parker, Pearson, Smith of K., Smith of R., Snapp, Steele Stuart, Thompson, Vance, Wallace, Willett, Wilson, Woodruff, Wright of P. and D., Yocom and Palmer, Speaker—49.

*And those who voted in the negative, are*

Messrs. Bennett, Brady, Carter, Clark, Crume, De Pauw, Dunning, Ferguson, Fowler, Howell, M'Bean, Moore, Nichols, Noble, Picrey, Reid, Smith of F., Stanford, Vandever, Williams and Wright of P.—21.

So said bill passed.

*Ordered*, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill to authorize the collectors of the several counties in this state to collect a tax on non-resident covering horses,

Was read the third time.

Mr. Howell moved to recommit the same to a select committee.

Mr. Steele moved to instruct the committee to make the tax \$5,

Which motion was decided in the negative.

Mr. Evans moved to instruct the committee to provide that the tax shall not exceed \$4.

Mr. Carter moved to amend said proposed instructions, to provide that the tax shall not exceed \$15;

Which motion did not prevail.

The question was then put on the motion of Mr. Evans,  
And passed in the affirmative.

Mr. Leslie moved to amend said instructions as follows, "before it shall be lawful for any person to stand any covering horse in any county in this state, the owner or keeper shall pay into the county Treasury the amount taxed on covering horses."

On motion of Mr. English,

Said amendment was amended so that the receipt of the Treasurer shall be a sufficient voucher therefor.

The amendment to the instructions as amended, proposed by Mr. Leslie, was agreed to.

The question was then put on the motion of Mr. Howell to commit with the instructions,

And passed in the affirmative.

*Ordered*, That Messrs. Howell, Thompson and Evans be that committee.

The engrossed bill to amend an act entitled an act to establish a college in the state of Indiana, approved Jan. 24, 1828,

Was read the third time.

Mr. Bigger moved to commit the same to a select committee with instructions to strike out the word, "indigent."

Mr. Levenworth moved to amend said instructions so as to provide that persons least able to pay shall be entitled to the benefits of said act;

Which motion passed in the affirmative.

Mr. M'Donald moved further to amend the instructions by providing that each county in the state shall be entitled to send a student.

Mr. Brown of L. moved to amend the proposed amendment, by providing that each county shall be entitled to send as many students as they have Representatives in this House,

Which motion was lost.

The question was then put on the motion of Mr. M'Donald,  
And passed in the affirmative,

And on the question, will the House commit said bill with the instructions?

It passed in the affirmative.

*Ordered*, That Messrs. Bigger, Levenworth and Dunning be that committee.

The engrossed bill granting relief to George White, was on motion of Mr. Stuart, ordered to lie on the table.

The engrossed bill to repeal a certain act now in force and for other purposes,

Was read the third time, and

On motion of Mr. Hardesty, laid on the table.

The engrossed bill of the Senate to locate a state road from Danville in Hendricks county via Jamestown and Thorntown in Boone county to intersect the Indianapolis and Lafayette state road at or near Prairieville in Clinton county;



Was read the third time, and

On motion of Mr. Nichols, recommitted to a select committee of Messrs. Nichols, Davenport and Fairman.

Engrossed bills of the Senate of the following titles, to wit:

An act to authorize the expenditure of the 3 per cent. fund heretofore appropriated for Adams county;

An act for the benefit of literary societies, and

An act to incorporate the Corydon steam mill company,

Were severally read the third time and passed.

*Ordered*, That the clerk inform the Senate thereof.

The engrossed bill to amend an act entitled an act to provide for the sale of certain lands therein named, approved Feb. 2, 1833,

Was read the third time, amended by unanimous consent and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved Feb. 10, 1831,

Was read the third time.

Mr. Thompson moved to recommit the same to the judiciary committee with instructions to allow justice of the peace pay for making their reports, &c;

Which motion did not prevail.

Mr. Fowler moved to recommit said bill to the judiciary committee with instructions to make it the duty of the clerks to record the reports made by justices of the peace.

Mr. Kelso moved to amend said instructions so as to provide that the justices have pay for their services for making returns, out of the county treasury;

Which motion was lost.

The question was then put on the motion of Mr. Fowler, and decided in the negative, and

On the question shall the bill pass?

It was carried in the affirmative.

*Ordered*, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

And then the House adjourned until two o'clock, P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. English from the joint committee of enrolled bills report, that they have compared the enrolled with the engrossed bills, as follows, to wit:

An act to provide for the election of a justice of the peace in the town of Gosport in Owen county, and Posey township in Franklin county;

An act to amend an act entitled an act to improve Lost river, White Water river, &c., approved Jan. 18, 1830;

An act to change a part of the Shelbyville and Greenfield state road;

An act to amend an act entitled an act to provide for the location of a certain state road therein named, approved Jan. 24, 1830,

And find them truly enrolled.

Whereupon,

The Speaker signed said bills?

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

Mr. Brackenridge from the committee on the judiciary, after having obtained a suspension of the orders for that purpose, to which was referred a petition of R. M. Evans and others, reported a bill to amend an act organizing circuit courts and defining their powers and duties and for other purposes;

Which was read the first time and passed to a second reading.

The engrossed bill for the relief of Rebecca M'Kowan,

Was read the third time.

The question was then put, shall said bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bramwell, Clark, Craig, Crume, Davenport, Dorsey, Dunning, English, Evans, Foster, Fowler, Guard, Guion, Hardesty, Hughes, Huntington, Kiser, Leslie, M'Bean, Monroe, Moore, Nichols, Parker, Pearson, Piercy, Smith of K., Snapp, Stuart, Thompson, Vance, Vandever, Wallace, Willett, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D., Yocom, and Palmer, Speaker—43.

*And those who voted in the negative, are*

Messrs. Bennett, Bigger, Brackenridge, Bradbury, Brady, Brown of L., Brown of T., Carter, Davis, De Pauw, Dunn, Edwards, Fairman, Ferguson, Fields, Gookins, Hargrove, Howell, Jones, Kelso, Kilgore, Levenworth, Noble, Reid, Smith of F., Smith of R., Stanford, Steele, and Thornberry—29.

So said bill passed.

*Ordered*, That it be entitled an act, and that Mr. Stuart inform the Senate thereof and ask their concurrence.

Engrossed bills of the following titles, to wit:

A bill to incorporate the town of Centreville, Wayne county, Indiana, and

A bill to authorize the sheriff of Spencer county to summon a grand and petit jury, for the April term of the Spencer Circuit Court;

Were severally read the third time and passed.

*Ordered*, That they be entitled acts and that the Clerk carry them to the Senate and ask their concurrence.

Mr. Kilgore (on leave being granted) presented a bill changing the time of holding the circuit court in the county of Madison;

Which was read the first and second times, (the rules of the House having first been dispensed with,) and

On motion of Mr. Willett,

Committed to a select committee.

*Ordered*, That Messrs. Willett, Kilgore, and Bigger be that committee.

Mr. Kilgore, after leave being granted him, presented a bill to regulate the fees of the commissioners of Grant county;

Which was read the first time and passed to a second reading.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate has passed engrossed bills, entitled

An act to incorporate the Indiana Teacher's Seminary, and

An act to authorize the Shelby circuit court to hold a special session;

In which the concurrence of the House of Representatives is requested.

The bill first named in said message was read the first time and passed to a second reading.

The bill last named in said message, was three times read, (the rules of the House having been dispensed with,) and passed.

*Ordered*, That Mr. Davis inform the Senate thereof.

The engrossed bill to declare a certain road therein named a state road, and to provide for the continuation of said road;

Was read the third time, amended by unanims consent, and passed.

*Ordered*, That it be entitled an act and the Clerk inform the Senate thereof and ask their concurrence.

The engrossed memorial on the subject of the National Road;

Was read the third time, amended by unanimous consent, and passed.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence.

The engrossed bill from the Senate to locate a state road from the east bank of the Wabash river opposite Perrysville, to the narrows of Sugar creek, in Parke county;

Was read the third time and passed.



*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the amendment made by the House to said bill.

The bill to change a part of a certain state road therein named.

Was read the second time and ordered to be engrossed and read a third time on Monday next.

The bill to amend an act entitled an act for assessing and collecting the revenue, approved Feb. 10, 1831, and to provide for an equitable and uniform mode of taxation;

Was read the second time, and

On motion of Mr. Brown of T.,

Committed to a committee of the whole House and made the special order of the day for Friday next.

Mr. Huntington, after having obtained leave, presented a bill to declare the intent and meaning of the law giving justices of the peace jurisdiction in cases where executors, administrators, and guardians are plaintiffs;

Which was read the first time and passed to a second reading.

Mr. Carter, after leave being granted, presented a bill to declare a certain road therein named, a state road;

Which was read the first time and passed to a second reading.

Mr. Wilson, after having obtained leave, moved the following resolution, which was read and adopted:

*Resolved*, That the committee on military affairs be instructed to enquire into the expediency of adopting the system for the regulation of the militia, as reported by Mr. Barber late Secretary of War, to the Congress of the United States; and

*Resolved*, That if the said committee, after due enquiry and investigation, shall be of opinion that the same would tend to the advancement of discipline, and consequently, to the respectability of this necessary and important arm of defence of our country, producing a uniformity in the several states, so desirable and necessary to an effective military system, then that they report to this House a joint resolution to be addressed to the various Executives of the several states, and to our Representatives in Congress, soliciting their co-operation in the adoption of the same.

Mr. Moore on leave, moved the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of amending the 13th section of the act subjecting real and personal estate to execution, approved January 4th, 1831, so as to make the stay of execution on judgments hereafter to be rendered the same in all cases, without regard to the amount of such judgments, and that they report by bill or otherwise;

Which was read, when

Mr. Kelso moved to lay the same on the table;

Which motion did not prevail.

And on the question to adopt the same,  
It was decided in the negative.

Mr. Wallace after having obtained leave, moved the following resolution:

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of increasing the per diem compensation of the President of the Senate and Speaker of the House of Representatives to four dollars per day, and report by bill or otherwise.

Mr. Huntington moved to commit the same to a committee of the whole House for Friday next.

Mr. Carter moved to postpone the further consideration thereof indefinitely, when,

On motion of Mr. Smith of R.,

*Ordered*, That the same do lie on the table.

Mr. Dorsey from the committee on education, to which was referred a resolution of this House, and so much of the Governor's message as relates to that subject, after having obtained leave, presented a bill supplemental to an act to establish a college in the State of Indiana;

Which was twice read. (the rules of the House having first been dispensed with,) and

On motion of Mr. Dunning,

Committed to a committee of the whole House and made the order of the day for Monday, 13th inst.

Mr. Foster on leave, presented a petition of J. H. Cook, and J. J. Lewis, relative to a canal or rail road from Fort Wayne to Indianapolis;

Which was read and referred to the committee on canals and internal improvements.

Mr. Bradbury after having obtained leave, made the following report:

The select committee to which were referred sundry petitions and remonstrances on the subject of affording certain protection to the wool growing interest, have had that subject under consideration, and are of opinion that it is inexpedient to legislate thereon;

Which was read and concurred in.

Mr. Huntington after having obtained leave, presented a bill to regulate the weight of grain;

Which was read the first time and passed to a second reading.

On motion of Mr. Hargrove,

The engrossed bill from the Senate, giving validity to certain contracts, heretofore laid on the table,

Was taken up, read the third time and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Kilgore from the select committee to which was committed the engrossed bill changing the time for holding the circuit

court in the county of Madison, (after having obtained leave,) reported the same back to the House without amendment.

Said bill was then read a third time, (the rules of the House having been dispensed with,) and passed.

*Ordered*, That it be entitled an act, and that Mr. Kilgore inform the Senate thereof and ask their concurrence.

The bill to subject choses in action and equitable titles to real property to the payment of debts,

Was read the second time and committed to a committee of the whole House for Monday next.

The bill relative to county officers,

Was read the second time and ordered to be engrossed and read a third time on Monday next.

The bill to amend an act entitled an act for opening and repairing public roads and highways, approved Feb. 10, 1831;

Was read the second time.

Mr. Bigger moved to commit the same to a committee of the whole House for Monday next.

Mr. Crumè moved to postpone the further consideration thereof indefinitely;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Brady, Bramwell, Clark, Crumè, Davenport, De Pauw, Dorsey, English, Ferguson, Fowler, Guion, Hardesty, Huntington, Jones, Kelso, Kiser, M'Bean, M'Donald, Piercy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stanford, Stuart, Thornberry, Vance, Williams, Wright of P., and Wright of P. & D. —35.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Brackenridge, Brown of L., Brown of T., Carter, Craig, Davis, Dunning, Edwards, Evans, Fairman, Fields, Foster, Gookins, Guard, Hargrove, Howell, Hughes, Kilgore, Leslie, Levenworth, Monroe, Moore, Nichols, Noble, Parker, Steele, Thompson, Vandever, Wallace, Willett, Wilson, Woodruff, Yocom, and Palmer, Speaker —36.

So said motion was decided in the negative.

The question recurring on the motion of Mr. Bigger, to commit;

It was thereupon put,

And passed in the affirmative.

Mr. Bennett from the select committee to which was commit-



ted the engrossed bill from the Senate, to authorize an asylum for the poor of the counties of Franklin, Fayette and Union, reported the same with sundry amendments,

Which were severally read and concurred in generally.

*Ordered*, That said amendments be engrossed and the bill read a third time on Monday next.

Mr. Nichols from the select committee to which was committed the bill to relocate a part of the Martinsville, Bellville, Danville, and Frankfort state road and for other purposes, after having obtained leave, reported the same with one amendment;

Which was read and concurred in.

*Ordered*, That said bill be engrossed and read a third time on Monday next.

And then the House adjourned until Monday morning at 9 o'clock.

## MONDAY MORNING, JANUARY 6, 1834.

The House met pursuant to adjournment.

Mr. Dunning from the joint committee of enrolled bills now report, that they have compared the engrossed with the enrolled bill of the Senate entitled as follows:

An act to authorize the Shelby circuit court to hold a special session,

And find the same truly enrolled.

Whereupon,

The Speaker signed said bill.

*Ordered*, That the clerk carry it to the Senate for the signature of their President.

Mr. Thompson from the judiciary committee, (having obtained a suspension of the orders of business for that purpose,) to which were referred the several resolutions on those subjects, reported the following bills:

A bill to amend an act entitled an act to provide for the commissioning of sheriffs and coroners and regulating their duties, approved February 7, 1824;

A bill to amend an act entitled an act relative to crime and punishment, approved February 16th, 1831; and

A bill relative to fees and voluntary prosecutors in criminal cases;

Which were severally read the first time and passed to a second reading.

Mr. Smith of F. from the judiciary committee to which were referred resolutions relative to those subjects, reported the following bills:

A bill to enable *feme covert*s under the age of 21 years to join with their husbands to convey real estate, and

A bill to provide for the taking of depositions in certain cases therein named;

Which were severally read the first time and passed to a second reading.

Mr. Kiser, on leave being granted, moved the following resolution, which was read and adopted:

*Resolved*, That the agent of the three per cent. fund be requested to furnish this House with the nett amount received by virtue of his office, each year, including the last ten years.

Mr. Fairman moved the following resolution, which was read and adopted:

*Resolved*, That the Auditor of State be directed to report to this House a statement in alphabetical order of the number of polls; also, of 1st, 2d, and 3d rate land in each of the several counties in this state, as contained in the latest returns in his office.

Mr. Clark moved the following resolution:

*Resolved*, That in order to dispense with business as speedy as possible, that during this session, when this House adjourn it adjourn to meet at half past eight, and half past one o'clock of each day;

Which was read, and on the question to adopt the same, It was decided in the negative.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate concurs in the amendment proposed by the House of Representatives to the engrossed bill of the Senate entitled an act to locate a state road from the east bank of the Wabash river, opposite Perrysville, to the Narrows of Sugar creek in Parke county.

On motion of Mr. Dunn,

The House resolved itself into a committee of the whole on the bill establishing a state bank, and after some time spent therein, the Speaker resumed the chair, and Mr. Angle reported progress and asked leave to sit again, which leave was granted by the House.

Mr. Dunning from the joint committee of enrolled bills reported, that they did on the 6th instant present to the Governor for his approval and signature bills entitled acts and memorial as follows, to-wit:

An act to amend an act entitled "an act to improve Lost river, White Water river, &c.," approved Jan. 18, 1830;

An act to amend an act entitled "an act to provide for the location of a certain state road therein named," approved Jan. 24, 1832;

An act to change a part of the Shelbyville and Greenfield state road;

An act to provide for the election of a justice of the peace in the town of Gosport in Owen county, and Posey township in Franklin county;

An act to declare a certain road therein named a state road;

A joint memorial of the Legislature of the state of Indiana to the President of the United States, on the subject of the extinguishment of the title of the Miami tribe of Indians to land within the said state.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Davis having obtained leave, presented a petition of Jacob Vernon and others, praying a state road from Robert Hankins' to intersect the state road leading from Shelbyville to Rushville at or near the house of William Aillico's;

Which was read and referred to a select committee of Messrs. Davis, Bigger, and Foster.

Mr. Bennett from the joint committee of enrolled bills report, that they have compared the enrolled with the engrossed bill entitled,

An act to establish a state road from Bloomington in Monroe county to Spencer in Owen county, and find the same truly enrolled.

Whereupon,

The Speaker signed said bill.

Ordered, That the clerk carry it to the Senate for the signature of their President.

The Speaker laid before the House the following communication from the Agent of the three per cent. fund:

AGENT'S OFFICE,  
INDIANAPOLIS, Jan'y. 6, 1834. }

Hon. N. B. PALMER,

*Speaker of the House of Representatives:*

Sir—In obedience to a resolution of this day, I herewith furnish the House of Representatives with a statement of amount of three per cent. fund received each year since the creation of the Agent's office.

Amount received in 1822,	-	-	-	\$32,629 46
" " 1823,	-	-	-	17,857 84
" " 1824,	-	-	-	11,462 73
" " 1825,	-	-	-	10,798 09
" " 1826,	-	-	-	7,176 97
" " 1827,	-	-	-	7,352 54
" " 1828,	-	-	-	8,887 75



"	"	1829,	-	-	-	-	8,902	11
"	"	1830,	-	-	-	-	14,226	83
"	"	1831,	-	-	-	-	17,508	41
"	"	1832,	-	-	-	-	20,706	97
"	"	1833,	-	-	-	-	19,903	07
							<hr/> \$177,412 77	

Respectfully submitted,

B. I. BLYTHE,

*Agent three per cent. fund.*

On motion of Mr. Bigger,

*Ordered,* That 150 copies of said communication be printed for the use of the members of this House.

Mr. Howell from the select committee to which was recommit-  
ted a bill to amend an act entitled an act for opening and repair-  
ing public roads and highways, approved February 10th, 1831,  
(after having obtained leave,) reported the same with sundry  
amendments;

Which were severally read, when

Mr. Kelso moved to lay the same on the table;

Which motion was decided in the negative.

Said amendments were then concurred in and the bill ordered  
to be engrossed and read a third time to-morrow.

The House again resolved itself into a committee of the whole  
on the bill establishing a state bank, and after some time spent  
therein the Speaker resumed the chair, and Mr. Angle reported  
progress and asked leave to sit again, which leave was granted  
by the House.

Mr. Bennett from the joint committee of enrolled bills now re-  
port, that they have on this day presented to His Excellency the  
Governor for his approval and signature, an act entitled an act  
to authorize the Shelby circuit court to hold a special session.

And then the House adjourned until to-morrow morning at 9  
o'clock.

## TUESDAY MORNING, JANUARY 7, 1834.

The House met pursuant to adjournment.

A message from the Governor, by Mr. Maguire his private  
secretary:

MR. SPEAKER:

The Governor has approved and signed

A joint memorial of the Legislature of the State of Indiana to

the President of the United States on the subject of the extinguishment of the title of the Miami tribe of Indians to land within the said state;

An act to declare a certain road therein named a state road;

An act to amend an act entitled an act to improve Lost river, White Water river, &c., approved Jan. 18, 1830;

An act to amend an act entitled an act to provide for the location of a certain state road therein named;

An act to provide for the election of a justice of the peace in the town of Gosport, in Owen county, and Posey township, in Franklin county; and an act to change a part of the Shelbyville and Greenfield state road;

All of which originated in the House of Representatives.

Mr. Davenport, after obtaining leave, presented a petition of Wm. C. Robinson and others, citizens of congressional township No. 17, north of range 2 east, praying a law to legalize the election of the district trustees in said township;

Which was read and referred to the committee on education.

Mr. Hardesty on leave, presented a remonstrance of sundry persons, against a relocation of a state road from Green Castle to Bowlinggreen;

Which was read and referred to the committee on roads.

Mr. Parker (after having obtained leave,) presented a bill to amend an act entitled an act to incorporate the Ohio and Lafayette rail road company, approved Feb. 2, 1832;

Which was read the first time and passed to a second reading.

Mr. Kilgore from the select committee to which was referred a petition of Elias Murray and others, after having obtained leave, reported a bill authorizing the location of the seat of justice of Huntington county, and for other purposes;

Which was read the first time and passed to a second reading.

Mr. Bigger on leave, moved the following resolution:

*Resolved*, That a select committee be appointed to enquire into the expediency of addressing a memorial to the Secretary of War of the United States, recommending the appointment of a suitable engineer or engineers, to superintend the prosecution of the work on the National Road in the state of Indiana, in the place of the present superintendents, with leave to report by memorial or otherwise;

Which was read, when

Mr. Crume moved to amend the same, by adding thereto the following proviso: *Provided* said engineer can be procured in this state.

Mr. Snapp moved to postpone the resolution and proposed amendments indefinitely; when,

On motion of Mr. Steele, it was

*Ordered*, That the same do lie on the table.

Mr. Kelso (after having obtained leave,) made the following report:

Which was read and concurred in, and the committee discharged:

The select committee to whom was referred the subject of the Switzerland county seminary, have had the same under consideration, and have learned that the same subject has been referred elsewhere and acted on, and that it is not, in the opinion of this committee, necessary for them to take further cognizance thereof, and ask to be discharged &c.

Mr. Brown of L. from the select committee to which was committed the engrossed bill from the Senate, to establish a state road from Bedford, in Lawrence county, via Washington, in Daviess county, to the rapids of the Wabash river, at or near the mouth of White river, (after having obtained leave,) reported the same with sundry amendments;

Which were read and concurred in.

*Ordered*, That the amendments be engrossed and the bill read a third time to-morrow.

Mr. Steele from the select committee to which was committed the bill to locate a state road from Milton, in Wayne county, to Munceytown, in Delaware county, (on leave,) reported the same with two amendments;

Which were read and concurred in, and the bill ordered to be engrossed and read a third time to-morrow.

Mr. Gookins from the select committee to which was re-committed the bill relative to the removal of seats of justice and for other purposes, (after having obtained leave,) reported the same with one amendment;

Which was read and concurred in.

Mr. Howell moved further to amend the same by striking out all of said bill after the first section; when,

On motion of Mr. Wallace,

The same was committed to a committee of the whole House for to-morrow.

Mr. Dunning from the committee on claims, to which was referred a petition of sundry persons, citizens of Monroe county, on leave, reported a bill to amend an act entitled an act concerning the seminary townships of land, in Gibson and Monroe counties, approved January 23, 1827;

Which was read the first time and passed to a second reading.

Mr. Brady (after having obtained leave,) moved the following resolution, which was read and adopted:

*Resolved*, That the committee on roads be instructed to enquire into the expediency of making an additional appropriation for improving the Michigan road, with leave to report by bill or otherwise.

On motion of Mr. Smith of F.,

The House again resolved itself into a committee of the whole on the bill establishing a State Bank, and after some time spent



therein, the Speaker resumed the chair, and Mr. Angle reported progress, and asked leave to sit again; which leave was granted.

And then the House adjourned until 2 o'clock, P.M.

*2 o'clock, P. M.*

The House met pursuant to adjournment,

And again resolved itself into a committee of the whole, on the bill for establishing a state bank, and after some time spent therein, the Speaker resumed the chair, and Mr. Angle reported progress, and asked leave to sit again;

Which leave was granted.

A message from the Senate by Mr. Morris, their Secretary.

MR. SPEAKER,

The Senate has passed an engrossed bill of the House of Representatives, entitled

An act to amend an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Parke county, without amendment.

The Speaker laid before the House a communication from the Auditor of Public Accounts, made in obedience to a resolution of the House on yesterday, setting forth a statement of the number of polls, and 1st, 2d, and 3d rate land, agreeably to the latest returns in his office;

Which was read and referred to the committee of ways and means.

On motion,

*Ordered,* That 500 copies be printed for the use of the members of the House.

And then the House adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, JAN. 8, 1834.

The House met pursuant to adjournment.

Mr. Stafford to whom leave of absence was heretofore granted appeared and took his seat.

Mr. Leslie presented a remonstrance of Edward E. Rice and others, against attaching any portion of Harrison county to the county of Floyd;

Which was read and referred to the same select committee to which was heretofore referred a petition on the same subject.

Mr. Davenport presented a petition of Abner H. Longley and others, relative to the Wabash and Erie canal;

Which was read and referred to the committee on canals and internal improvements.

Mr. Kiser presented a remonstrance of Ransom Davis and others, against the location of a state road from Shelbyville to Vernon;

Which was read and referred to the committee on roads.

Mr. Huntington, (on leave,) moved the following resolution, which was read and adopted:

*Resolved*, That the committee on canals and internal improvements enquire into the expediency of memorializing Congress for leave to select lands in lieu of those sold by the Government, situated on that part of the Wabash and Erie canal line in the state of Ohio; with leave to report by memorial or otherwise.

Mr. Fairman presented two petitions on the subject of the Wabash and Erie canal;

Which were severally read and referred to the committee on canals and internal improvements.

Mr. Stafford presented a petition of James Sims and others, praying a state road from Lyon's mill in Morgan county to Columbus;

Which was read and referred to a select committee of Messrs. Stafford, Woodruff, and Kiser.

Mr. Stanford from the select committee to which was referred a petition on that subject, (after having obtained leave,) reported a bill to provide for the location of a state road from Knightstown in Henry county *via* Hill's mill to Freeport in Shelby county;

Which was read the first time and passed to a second reading.

Mr. Dunning from the joint committee of enrolled bills report, that they have compared the engrossed with the enrolled bill of the House of Representatives entitled an act as follows, to-wit:

An act to amend an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Parke county;

And find the same truly enrolled.

Whereupon, the Speaker signed said bill.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

Mr. Snapp presented a petition of John W. Allen and others, relative to the navigation of Busseron creek;

Which was read and referred to a select committee of Messrs. Snapp, De Pauw, and Baber.

Mr. De Pauw presented a petition of John H. Eaton and others, on the same subject last named;

Which was read and referred to the same select committee.

Mr. Bramwell presented a petition of John Vawter and others, praying a change in part of the state road leading from Madison to Indianapolis;

Which was read and referred to the select committee to which a petition on the same subject was heretofore referred.

Mr. Vance presented a petition of E. M'Conneld and others, praying a change in the act incorporating congressional townships, &c., approved February 2d, 1833;

Which was read and referred to the same select committee to which was heretofore referred a resolution on the same subject.

Mr. Kilgore presented a petition of James Trimble and others, praying a state road from William M'Cormick's in Delaware county to the town of Huntington;

Which was read and referred to a select committee of Messrs. Kilgore, Edwards, and Colerick.

Mr. Nichols presented a petition of Moses Starkes and others, praying a state road from Indianapolis to Jamestown;

Which was read and referred to the committee on roads.

Mr. Levenworth, after having obtained leave, presented a bill to amend an act entitled an act to appropriate a part of three per cent. fund and for other purposes;

Which was read the first time and passed to a second reading.

Mr. Levenworth from the committee on roads to which was referred several petitions and a remonstrance on that subject, reported a bill to relocate a part of the state road from Levenworth to Paoli;

Which was read the first time and passed to a second reading.

Mr. Brady from the select committee to which was committed the bill to vacate a part of a state road therein named, reported the same with one amendment;

Which was read and concurred in.

*Ordered*, That said bill be engrossed and read a third time tomorrow.

Mr. Colerick presented a petition of H. Chapin and others, citizens of St. Joseph county, praying an act of incorporation for the "Kankakee manufacturing company;"

Which was read and referred to a select committee of Messrs. Colerick, M'Bean, and Brown of T.

Mr. Bennett from the joint committee of enrolled bills reports, that they have compared the enrolled with the engrossed bills entitled acts as follows, viz:

An act for the benefit of literary societies;

An act to authorize the expenditure of the three per cent. fund heretofore appropriated for the county of Adams;

An act giving validity to certain contracts; and

A joint resolution on the subject of improving the navigation of the Ohio river at the Falls;

And find them truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.



Mr. Brown of T. moved that the House now resolve itself into a committee of the whole on the bill establishing a state bank;

Mr. Willett moved that the House adjourn until three o'clock, P. M.;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Colerick, Davis, De Pauw, Huntington, M'Bean, Noble, Parker, Smith of K., Snapp, Willett, Williams, and Palmer, Speaker—14.

*And those who voted in the negative, are*

Messrs. Beem, Bennett, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Craig, Crume, Davenport, Dorsey, Dunn, Dunning, Edwards, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Jones, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Donald, Moore, Nichols, Pearson, Piercy, Reid, Smith of F., Smith of R., Stafford, Stanford, Steele, Stuart, Thompson, Thornberry, Vance, Vandever, Wallace, Wilson, Woodruff, Wright of P., Wright of P. and D., and Yocom—57.

So said motion was decided in the negative.

The question was then put on the motion of Mr. Brown of T.,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bennett, Brackenridge, Brady, Bramwell, Brown of T., Clark, Crume, Davenport, Davis, Dunn, Edwards, Evans, Fairman, Fowler, Guion, Howell, Hughes, Jones, Kilgore, Kiser, M'Bean, M'Donald, Monroe, Moore, Nichols, Piercy, Reid, Smith of F., Smith of R., Stanford, Steele, Thornberry, Vance, Williams, and Woodruff—35.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bigger, Bradbury, Brown of L., Carter, Colerick, Craig, De Pauw, Dorsey, Dunning, Ferguson, Fields, Foster, Gookins, Hardesty, Hargrove, Huntington, Kelso, Leslie, Levenworth, Noble, Parker, Pearson, Smith of K., Snapp, Stafford, Stuart, Thompson, Vandever, Wallace, Willett, Wilson, Wright of P., Wright of P. and D., Yocom, and Palmer, Speaker—38.

So said motion was decided in the negative.

Mr. Dorsey from the select committee to which was referred

two resolutions on that subject, reported a bill to amend an act entitled an act authorizing the seizure of boats or other vessels for debts, approved January 22, 1824;

Which was read the first time and passed to a second reading.

Mr. Wallace from the select committee to which was referred a resolution on that subject, reported a bill giving to mechanics a lien on buildings;

Which was read the first time and passed to a second reading.

Mr. Kelso, (after having obtained leave,) presented a bill to vacate the town of Allenville in the county of Switzerland;

Which was read the first time and passed to a second reading.

Mr. Snapp moved the following resolution:

*Resolved*, That this House now adjourn until to-morrow morning 9 o'clock;

Mr. Wright of P. moved to amend the same by striking out "to-morrow morning 9 o'clock," and inserting in lieu thereof "three o'clock, P. M."

Mr. Howell moved to amend said proposed amendment so as to provide that the members of the House shall receive no pay for this day; when,

On motion of Mr. Huntington,

*Ordered*, That said resolution and proposed amendments do lie on the table.

Mr. Dunn moved the following resolution:

*Resolved*, That the bill establishing a state bank be and the same is made the special order for each day at 2 o'clock, P. M., until the further order of the House.

On motion of Mr. Bigger,

The same was amended so as to except "previous special orders."

On motion of Mr. Evans,

The same was further amended by striking it out from the resolving clause and inserting in lieu thereof, "That the orders of business prevailing before the adoption of a resolution heretofore offered by Mr. Dunn on that subject be restored, and that this House will hereafter be governed accordingly."

Said resolution, as amended, was then adopted.

Mr. Guard presented a petition of James Babcock and others, praying a state road from Manchester in Dearborn county to a certain point on the Lawrenceburgh and Rushville state road;

Which was read and referred to a select committee of Messrs. Guard, Smith of R., and Kelso.

The Speaker laid before the House two several petitions of sundry persons relative to the Wabash and Erie canal;

Which were severally read and referred to the committee on canals and internal improvements.

Mr. Wright of P. from the select committee to which was committed the engrossed bill from the Senate, to incorporate the Ris-

ing Sun insurance company, reported the same with two amendments;

Which were severally read, the first concurred in, and before the question was taken on concurring in the second amendment, it was,

On motion of Mr. Bigger,

*Ordered*, That said bill with amendments do lie on the table.

Mr. Colerick from the select committee to which was referred a resolution of the House on that subject, (after having obtained leave,) reported a bill defining the duties of commissioners appointed to locate state roads and for other purposes;

Which was read the first time and passed to a second reading.

Mr. Nichols from the select committee to which was referred the engrossed bill of the Senate to locate a state road from Danville in Hendricks county via Jamestown and Thorntown in Boon county to intersect the Indianapolis and Lafayette state road at or near Prairieville in Clinton county, reported the same without amendment.

*Ordered*, That said bill be read a third time-to-morrow.

On motion of Mr. Davenport,

*Resolved*, That the committee on roads be instructed to enquire into the expediency of providing by law for the division of the Michigan road into road districts in the manner that other public roads are districted, and working upon said road; with leave to report by bill or otherwise.

Mr. Yocom, after having obtained leave, presented a bill to change the name of Williamsburgh in Wayne county to the name of Steelesville;

Which was twice read, (the rules of the House having first been dispensed with,) when

Mr. Huntington moved to commit it to a committee of the whole House for to-morrow; and thereupon,

On motion of Mr. Kelso,

Said bill was committed to a select committee.

*Ordered*, That Messrs. Kelso, Yocom, and Steele be that committee.

On motion of Mr. Smith of R.,

*Resolved*, That the committee on roads be instructed to enquire into the expediency of reporting a bill to this House providing for the appropriation of the unappropriated balance of the three per cent. fund, if any, in the hands of the agent of that fund, and in anticipation of the proceeds thereof for the present year to be applied to the improvement of roads in equal portions in the several counties in this state.

Mr. Bennett moved the following resolution:

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the 69th section of the present militia law of this state, that persons who are conscientiously scrupulous of bearing arms shall not be compelled to



pay more than one dollar per year for failing to perform militia duty; with leave to report by bill or otherwise.

Pending the question thereon,

A motion was made by Mr. M'Donald that the House do adjourn until to-morrow morning at 9 o'clock.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Colerick, Davis, De Pauw, Evans, Guion, M'Donald, Noble, Parker, Smith of K., Smith of R., Snapp, Stuart, Vance, Willett, Williams, Wilson, and Palmer, Speaker—19.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Bennett, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Craig, Crume, Davenport, Dorsey, Dunn, Dunning, Edwards, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Hardesty, Hargrove, Howell, Hughes, Jones, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Bean, Monroe, Moore, Nichols, Pearson, Piercy, Reid, Smith of F., Stafford, Stanford, Steele, Thompson, Thornberry, Vandever, Wallace, Wright of P., Wright of P. and D., and Yocom—53.

So the House refused to adjourn.

Mr. Howell moved to lay the resolution under consideration on the table;

Which motion did not prevail.

A motion was made by Mr. Vandever that it be indefinitely postponed;

Which, being put, was decided in the negative.

On motion of Mr. Smith of R.,

The resolution was amended by directing the reference to the judiciary committee.

Mr. Colerick moved that the House adjourn until to-morrow morning at 9 o'clock;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Bigger, Colerick, Davis, De Pauw, Guard, Guion, Leslie, Monroe, Noble, Parker, Smith of K., Snapp, Stuart, Willett, Williams, Wilson, and Palmer, Speaker—19.

*And those who voted in the negative, are*

Messrs. Beem, Bennett, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Craig, Crume, Da-

venport, Dorsey, Dunn, Dunning, Edwards, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Hardesty, Hargrove, Howell, Hughes, Jones, Kelso, Kilgore, Kiser, Levenworth, M<sup>c</sup>Bean, M<sup>c</sup>Donald, Moore, Nichols, Pearson, Piercy, Reid, Smith of F., Smith of R., Stafford, Stanford, Steele, Thompson, Thornberry, Vance, Vandever, Wallace, Wright of P., Wright of P. and D., and Yocom—53.

So said motion was decided in the negative, and

Before any further question was had on the aforesaid resolution moved by Mr. Bennett,

The Speaker announced that the hour allotted for the consideration of resolutions had expired:

Whereupon,

The order of business being for that purpose suspended, Mr. Dorsey by consent of the House, moved the following resolution, which was read and agreed to, to-wit:

*Resolved*, That a select committee be appointed to enquire and report to this House why the report of the commissioner of the Michigan road has not been printed and furnished to the members of this House.

*Ordered*, That Messrs. Dorsey, Reid, and Wallace be a committee in pursuance thereof.

Mr. Dunning from the joint committee of enrolled bills now report, that they did on the 8th instant present to the Governor for his approval and signature an act entitled as follows, to-wit:

An act to amend an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Parke county.

A message from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER:

His Excellency the Governor did, on this day, approve and sign, an act to amend an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Parke county;

Which originated in the House of Representatives.

The House resumed the consideration of the motion heretofore made by Mr. Smith of R. and undetermined, to take up from the table the engrossed joint resolution from the Senate relative to the appointment of officers of the General Government to offices in Indiana.

Before the question was had thereon,

A motion was made by Mr. Willett that the House do adjourn until to-morrow morning at 9 o'clock;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bigger, Brady, Bramwell, Colerick, Davis, De Pauw, Dunn, Guion, Leslie, Moore, Noble, Parker, Snapp, Stuart, Thompson, Vance, Willett, Williams, and Wilson—19.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Brackenridge, Bradbury, Brown of L., Brown of T., Carter, Craig, Crume, Davenport, Dorsey, Dunning, Edwards, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Hardesty, Hargrove, Howell, Hughes, Jones, Kelso, Kilgore, Kiser, Levenworth, M'Bean, M'Donald, Monroe, Nichols, Pearson, Piercy, Reid, Smith of F., Smith of R., Stafford, Stanford, Steele, Thornberry, Vandever, Wallace, Wright of P., Wright of P. and D., Yocom, and Palmer, Speaker—51.

So said motion to adjourn was decided in the negative.

Mr. Snapp thereupon moved that the House adjourn until six o'clock, P. M. of this day;

Mr. Evans proposed half past 8 o'clock to-morrow morning;

And on the question to adjourn to the last named period;

The ayes and noes being requested by two members,

*Those who voted in the affirmative, are*

Messrs. Bigger, Brady, Bramwell, Colerick, Davis, De Pauw, Dunn, Evans, Guard, Guion, Hughes, Leslie, Moore, Noble, Parker, Snapp, Stuart, Willett, Williams, Wilson, and Palmer, Speaker—21.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Brackenridge, Bradbury, Brown of L., Brown of T., Carter, Clark, Craig, Crume, Davenport, Dorsey, Dunning, Edwards, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Hardesty, Hargrove, Howell, Jones, Kelso, Kilgore, Kiser, Levenworth, M'Bean, Monroe, Nichols, Pearson, Piercy, Reid, Smith of F., Smith of R., Stafford, Stanford, Steele, Thompson, Thornberry, Vance, Vandever, Wallace, Wright of P. and D. and Yocom—48.

So the House refused to adjourn as proposed by Mr. Evans.

The question was then put on the adjournment as moved by Mr. Snapp,

And the ayes noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Brady, Davis, De Pauw, Leslie, Monroe, Moore, Parker, Pearson, Snapp, Stuart, Thompson, Willett, and Wilson—13.



*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Bigger, Brackenridge, Bradbury, Bramwell, Brown of L., Brown of T., Carter, Clark, Craig, Crume, Davenport, Dorsey, Dunn, Dunning, Edwards, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Jones, Kelso, Kilgore, Kiser, Levenworth, M'Bean, M'Donald, Nichols, Noble, Piercy, Reid, Smith of F., Smith of R., Stafford, Stanford, Steele, Thornberry, Vance, Vandever, Wallace, Williams, Wright of P., Wright of P. and D., Yocom, and Palmer, Speaker—57.

So said motion was decided in the negative.

And then the House adjourned until two o'clock, P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment; when

Mr. Vance moved that the House do adjourn until to-morrow morning at 9 o'clock;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bramwell, Davis, De Pauw, Noble, Vance, Williams Willett, and Palmer, Speaker—9.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Brackenridge, Bradbury, Brown of L., Carter, Crume, Davenport, Dorsey, Dunn, Dunning, Edwards, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Hardesty, Hargrove, Howell, Kelso, Kilgore, Leslie, Levenworth, M'Donald, Nichols, Piercy, Reid, Smith of F., Smith of R., Stafford, Stanford, Thompson, Thornberry, Vandever, Wallace, Woodruff, Wright of P. and Yocom—40.

So said motion was decided in the negative.

Discussion arising upon a proposition to have a call of the House,

Mr. Vandever moved that the House adjourn until to-morning at nine o'clock;

And the ayes and noes being requested by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bramwell, Davis, De Pauw, Hargrove, Noble, Vance, and Vandever—8.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Brackenridge, Bradbury, Brown of L., Carter, Crume, Davenport, Dorsey, Dunn, Edwards, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guion, Hardesty, Howell, Jones, Kelso, Kilgore, Leslie, Levenworth, M'Donald, Nichols, Piercy, Reid, Smith of F., Smith of R., Stafford, Stanford, Steele, Thompson, Thornberry, Wallace, Williams, Woodruff, Wright of P., Wright of P. and D., Yocom, and Palmer, Speaker—43.

So said motion was decided in the negative.

The House again resolved itself into a committee of the whole on the bill establishing a state bank, and after some time spent therein the Speaker resumed the chair and Mr. Angle reported progress and asked leave to sit again;

Which leave was granted by the House.

Mr. Wallace thereupon moved that the House adjourn until to-morrow morning at nine o'clock;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bigger, Bradbury, Bramwell, Brown of T., Clark, Davis, De Pauw, Dunn, English, Hughes, Leslie, M'-Bean, Pearson, Reid, Smith of R., Snapp, Stafford, Steele, Stuart, Thompson, Thornberry, Vance, Wallace, Willett, Williams, Woodruff, Yocom, and Palmer, Speaker—30.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Brackenridge, Brady, Brown of L., Carter, Colerick, Craig, Crume, Davenport, Dorsey, Dunning, Edwards, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guion, Hardesty, Hargrove, Howell, Huntington, Jones, Kelso, Kilgore, Kiser, Levenworth, M'Donald, Monroe, Moore, Nichols, Noble, Piercy, Smith of F., Smith of K., Stanford, Vandever, Wilson, Wright of P., and Wright of P. and D.—43.

So said motion was decided in the negative.

Mr. Willett moved that the several orders of the day which precede the motion of Mr. Smith of R., to take up from the table the engrossed joint resolution from the Senate relative to the appointment of officers of the General Government to offices in Indiana, (pending at the last adjournment,) be for the present postponed, and that the House do now consider said motion;

And before the question was had thereon,

Mr. Noble moved that the House do adjourn until to-morrow morning at 9 o'clock;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Bigger, Brackenridge, Bradbury, Bramwell, Brown of T., Clark, Davenport, Davis, De Panw, Dunn, Edwards, Fields, Foster, Fowler, Hargrove, Leslie, M'Donald, Noble, Pearson, Reid, Smith of R., Snapp, Stanford, Steele, Stuart, Thompson, Thornberry, Vance, Vandever, Wallace, Willett, Williams, Woodruff, Wright of P. and D., Yocom, and Palmer Speaker—37.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Bennet, Brady, Brown of L., Carter, Colerick, Craig, Crume, Dorsey, Dunning, English, Evans, Fairman, Ferguson, Gookins, Guion, Hardesty, Howell, Hughes, Huntington, Jones, Kelso, Kilgore, Levenworth, M'Bean, Monroe, Moore, Nichols, Piercy, Smith of K., Smith of R., Stafford, Wilson, and Wright of P.—35

So the House adjourned until to-morrow at 9 o'clock.

## THURSDAY MORNING, JANUARY 9, 1834.

The House met pursuant to adjournment,

A message from the Senate by Mr. Morris their Secretary:

**MR. SPEAKER:**

The Senate has passed without amendment an engrossed bill of the House entitled,

An act to authorize the Sheriff of Spencer county to summon a grand and petit jury for the April term of the Spencer circuit court, also,

Engrossed bills of the Senate entitled as follows, to wit:

An act to increase the means of supporting common schools;

An act for the establishment of a board of education for the encouragement of common schools;

An act to locate a state road from Evansville to New Harmony and from Princeton to Phillips' mills and for other purposes;

An act for the relief of Samuel Darnell;

An act concerning costs and fees in criminal cases;

An act to locate and open a state road from Strawtown in Hamilton county to Miamisport in the county of Miami;

An act declaring what shall be evidence in certain cases;

An act for the preservation of the property on the Governor's circle, and

An act to incorporate the Switzerland county seminary.

In which bills of the Senate the concurrence of the House of Representatives is requested.



The bills of the Senate named in said message, were severally read the first time and passed to a second reading.

The Speaker laid before the House the following letter, which was read and referred to the committee on education:

WORTHINGTON, OHIO, January 1, 1834.

*To the Honorable Speaker of the House of Representatives, Indiana:*

SIR—Learning that the Legislature of Indiana is about to consider the lavish manner in which the University of Indiana at New Albany, has conferred literary degrees; in justice to myself, I respectfully disclose to you, that my name was etched upon a diploma, as “Registrar and Bursar” of that University, and as I have learned, numerous diplomas were vended or disposed of; the whole done without my knowledge or consent. I was not apprised of my appointment to those offices.

Yours with much respect,  
J. L. RIDDELL.

Mr. Brown of T. presented a petition of N. Jackson and others, relative to the Wabash and Erie canal;

Which was read and referred to the committee on canals and internal improvements.

Mr. Bennett from the joint committee of enrolled bills reports, that they have compared the enrolled with the engrossed bills, entitled as follows, to wit:

An act to incorporate the Corydon steam mill company, and

An act to locate a state road from the east branch of the Wabash river, opposite Perrysville, to the narrows of Sugar creek in Parke county,

And find them truly enrolled.

Whereupon,

The Speaker signed said bills

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Davis presented a petition of Powell Deans, praying to be divorced from his wife Patsey;

Which was read and referred to a select committee of Messrs. Davis, Woodruff and Brady.

Mr. Davis presented a petition of James Williams and others, praying a state road from Morristown in Shelby county to intersect a certain state road therein named;

Which was read and referred to a select committee of Messrs. Davis, Bigger and Bramwell.

Mr. Wright of P. made the following report, which was read and concurred in, and the committee discharged:

The select committee to whom was referred the petition of Gabriel Patrick and others, of Putnam county, have had the same under consideration, and report, that in all cases mentioned in

said petition, where two persons have land adjoining, and one of them refuse to give any land for a pass way, that the public have ample remedy by applying to the courts of the county; and in relation to sale of notes of hand at constable sale, the committee are of opinion that such sales are illegal and void, and that it would be highly impolitic to legislate on that subject, and ask to be discharged from the further consideration of the same.

Mr. Dorsey from the select committee to which was referred a resolution on that subject, reported, that they have addressed a note to the printer, and received from him the following answer:

INDIANAPOLIS, January 8th, 1834.

*Hon. P. M. Dorsey,*

SIR—The printing of the report of the Michigan road commissioner was completed this morning, and the sheets are now in the hands of the binder, and the pamphlets will be ready for delivery in the morning. The great number of reports, &c. that were ordered to be printed at the same time has been the cause of this one being delayed longer than could have been wished. No pains have been spared to complete all documents with as much despatch as possible, and this one being the longest and most intricate that has been ordered, it is hoped that the House will be satisfied with the exertions that have been made.

Yours respectfully,

N. BOLTON,

*Printer to the House of Reps.*

Which was read and laid on the table.

Mr. Crume made the following report, which was read and concurred in:

The select committee to which was referred a resolution directing them to inquire if any, and if any, what amendments are necessary to the law now in force regulating mills and millers, and whether 25 cents per barrel would not be an ample compensation for grinding and packing flour, have had that subject under consideration and a majority of said committee have directed me to report that in their opinion it is inexpedient to legislate on that subject at this time.

The House resumed the consideration of the resolution offered on yesterday by Mr. Bennett, relative to persons conscientiously scrupulous &c., which was arrested by the expiration of the hour allotted to the consideration of resolutions,

And on the question to adopt the same,

It passed in the affirmative.

Mr. Evans moved the following resolution:

*Resolved*, That at 2 o'clock on each day this House will resolve itself into committee of the whole on the bill to establish a state bank, until said bill shall be gone through with;

Which was read, and on the question to adopt the same,

It was decided in the negative.

Mr. Howell moved the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of amending the 68th section of the law relative to crime and punishment, or to make any person punishable as therein for using language to another calculated to bring on an affray, whether one ensues or not, and report by bill or otherwise.

Mr. Evans moved to amend said resolution so as to define what kind of language will be calculated to bring on an affray.

Mr. Kiser moved to lay said resolution and proposed amendment on the table;

Which motion was decided in the negative, when

On motion of Mr. Kelso,

The further consideration thereof was indefinitely postponed.

On motion of Mr. Stanford,

*Resolved*, That the committee on Education be instructed to enquire into the propriety of so amending the school law as to enable a minority of certain districts to build school houses and support schools, with leave to report by bill or otherwise.

Mr. Guion moved the following resolution:

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of fixing a time by law, when the Mich. road land already sold shall become taxable; also, how long such road land hereafter sold shall remain exempt from taxation, and the propriety of appropriating such revenue thence arising, not exceeding that taxed for state purposes, to the improvement of the Michigan road, and report by bill or otherwise.

On motion of Mr. Hargrove,

Said resolution was amended by striking out so much as directs an enquiry into the propriety of appropriating such revenue to the improvement of the Michigan road.

Said resolution as amended was then adopted.

On motion of Mr. Piercy,

The resolution offered by himself and laid on the table on the 14th ult., relative to the interest of money,

Was taken up.

Mr. Kelso moved to amend the same by adding thereto the following: "Also, to enquire into the propriety of allowing such amount of interest on loaned money as the parties contracting may agree upon;" when

On motion of Mr. Huntington,

*Ordered*, That said resolution and proposed amendment do lie on the table.

Mr. Bramwell moved to reconsider the vote heretofore taken on the indefinite postponement of the resolution offered by Mr. Smith of R., on the subject of prison and prison bounds, and before the question was had thereon, the Speaker announced the expiration of the hour for the consideration of resolutions.

The House resumed the consideration of the joint resolution



from the Senate, relative to the appointment of officers of the General Government to office in Indiana.

Mr. Smith of R. withdrew his said pending motion to take said resolution up from the table.

Whereupon,

Mr. Willett renewed the motion to take up the same.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Bigger, Brackenridge, Bradbury, Bramwell, Brown, of L., Colerick, Davenport, Dunn, Edwards, Evans, Fowler, Guion, Hardesty, Huntington, Jones, Kelso, Leslie, Levenworth, Parker. Reid, Smith of F., Smith, of K., Smith of R., Snapp, Stafford, Stanford, Steele, Thompson, Thornberry, Vance, Wallace, Willett, Wilson, and Wright of P. and D.—36.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Brady, Brown of T., Carter, Clark, Craig, Crume, Davis, De Pauw, Dorsey, Dunning, English, Fairman, Ferguson, Fields, Foster, Gookins, Hargrove, Howell, Hughes, Kilgore, Kiser, M'Bean, Monroe, Moore, Nichols, Noble, Pearson, Piercy, Stuart, Vandever, Williams, Woodruff, Wright of P., Yocom and Palmer, Speaker—37.

So said motion was decided in the negative.

And then the House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Bramwell moved that the consideration of the bill authorizing a loan for internal improvements, and pledging the 3 per cent. fund for the payment thereof, and the bill authorizing the creation of a loan for the benefit of the State of Indiana, and pledging the 3 per cent. fund for the payment thereof, be postponed until Tuesday next, and that they be made the special order for that day.

Mr. Brown of L. moved that 75 copies of the bill last above named be printed for the use of the members of this House;

Which motion was decided in the negative.

Mr. Kelso moved to except from the motion of Mr. Bramwell, the bill first above named;

Which motion was decided in the negative.

The question was then put on the motion of Mr. Bramwell to commit for Tuesday next,

And passed in the affirmative.

The House then resolved itself into a committee of the whole on the bill establishing a state bank, and after some time spent therein, the Speaker resumed the chair, and Mr. Angle reported progress and asked leave to sit again, which leave was granted by the House.

Mr. English from the joint committee of enrolled bills, report, that they did on this day, present to the Governor for his approval and signature, a joint resolution and acts as follows, to wit:

A joint resolution on the subject of improving the navigation of the Ohio river at the falls;

An act to establish a state road from Bloomington, in Monroe county, to Spencer, in Owen county;

An act giving validity to certain contracts;

An act to authorize the expenditure of the 3 per cent. fund, heretofore appropriated to the county of Adams, and

An act for the benefit of literary societies.

On motion of Mr. Kelso,

The engrossed bill to change a part of the state road leading from New York, in Switzerland county, to intersect the state road leading from Vevay in said county, to Versailles, in Ripley county;

Was read the third time, (the rules of the House being suspended for that purpose,) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

A message from the Senate by Mr. Morrison, their assistant Secretary.

Mr. SPEAKER:

The Senate has passed bills from the House of Representatives of the following titles, viz:

An act declaring a certain road therein named, a state road, and to provide for the continuation of said road;

An act to establish a state road from Liberty, in Union county, to the state line, in a direction to Germantown, Ohio;

An act to establish points in certain state roads in Vigo county, and for other purposes;

An act to authorize the recorder of Sullivan county to record a town plat therein named;

An act to amend an act entitled an act to locate and establish a state road from Orleans, in Orange county, via Livonia, in Washington county, to intersect the state road leading from New Albany to Vincennes, in the direction of Greenville in Floyd county, approved Feb. 2d, 1833, without amendment, and

An act for the relief of William Clark, of Monroe county, with amendments;

In which the concurrence of the House of Representatives is requested.

The Senate has also passed bills of the following titles, in which the concurrence of the House is requested, viz:

- An act to incorporate the Franklin county library company;
- An act to provide for opening and repairing public roads and highways, in Owen county;
- An act for the relief of Jonathan Rogers and William Waugh;
- An act for the relief of Robert Patterson, and
- An act to incorporate the north west rail road company;
- Which was read,
- And before said message was further considered,
- The House adjourned until to-morrow morning at 9 o'clock.

---

## FRIDAY MORNING, JANUARY 10, 1834.

The House met pursuant to adjournment,

And resumed the consideration of the message from the Senate pending at the adjournment on last evening.

The amendments made by the Senate to the bill of the House last named in said message,

Were severally read and agreed to.

The bills of the Senate named in said message,

Were severally read the first time and passed to a second reading.

Mr. Dunning asked leave to withdraw the papers accompanying the bill for the relief of William Clark of Monroe county, which leave was granted, and they were accordingly withdrawn.

On motion of Mr. Huntington,

Leave was given him to withdraw the petition of Thomas F. G. Adams, heretofore presented to this House;

It was thereupon withdrawn accordingly.

Mr. Stanford presented a petition of William Stewart, jr., and others, relative to the Munceytown and Pendleton state road;

Which was read and referred to the select committee of Messrs. Stanford, Foster, and Brady.

On motion of Mr. Stanford,

Sundry petitions, &c., heretofore presented and laid on the table, relative to the same subject, were taken up and referred to the same select committee last named.

Mr. Davis presented a petition of Balsor Fox and others, securities of Anderson Reith, praying relief;

Which was read and referred to a select committee of Messrs. Davis, Fowler, and Kiser.



Mr. Kilgore presented a petition of Solomon Thomas and others praying a law appointing commissioners to relocate the seat of justice of Grant county;

Which was read and referred to a select committee of Messrs. Kilgore, M'Bear, Colerick, Davenport, and Fairman.

Mr. Fairman presented a petition of Robert Heith and others, relative to the Wabash and Erie canal;

Which was read and referred to the committee on canals and internal improvements.

Mr. Vance presented two petitions of William Nicholson, E. M'Connald and others, on the subject of the Wabash and Erie canal;

Which were severally read and referred to the committee on canals and internal improvements.

Mr. Brown of T. presented four several petitions of H. Chase, John Shaw, Henry B. Milroy, James Short, and others, relative to the same subject;

Which were severally read and referred to the committee on canals and internal improvements.

Mr. Woodruff presented a petition of Simon Corvert and others, citizens of Johnson county, praying a change in the militia law;

Which was read and referred to the committee on military affairs.

Mr. Vance presented a petition of David Williams and others, praying a change in the law incorporating Congressional townships, &c.;

Which was read and referred to the select committee to which the same subject was heretofore referred.

Mr. Dunning made the following report,

Which was read and concurred in:

The committee on education to which was referred a resolution directing them to enquire into the expediency of reducing the price of the seminary lands in Monroe and Gibson counties, which are classed as 1st and 2d rate lands, have had that subject under consideration, and have directed me to report, that legislation upon that subject at this time is inexpedient.

Mr. Bigger from the select committee to which was recommended the engrossed bill to amend an act entitled an act to establish a college in the state of Indiana, approved Jan. 1828, reported the same with two amendments;

Which were read and concurred in.

Ordered, To be engrossed and read a third time to-morrow.

On motion of Mr. Bigger,

Mr. Davenport had leave of absence until Monday next, owing to sickness in his family.

Mr. Evans from the select committee to which was recommended a report heretofore made by the judiciary committee on

that subject, reported a bill to provide compensation for sheriffs and constables for certain services;

Which was read the first time and passed to a second reading.

Mr. Williams made the following report,

Which was read and concurred in:

The select committee to which was referred the petition of sundry citizens of Clark county, praying to be attached to the county of Floyd, have had the same under consideration, and the committee being equally divided have directed me to report the facts, and desire to be discharged from the further consideration of that subject.

On motion of Mr. Williams,

The petition named in said report, was committed to a select committee.

*Ordered*, That Messrs. Williams, Stuart, English, Monroe, and Beem, be that committee.

The House resumed the consideration of the resolution relative to prison and prison bounds, which was arrested on yesterday, by the expiration of the hour allotted to resolutions.

The question was then put on the motion of Mr. Bramwell, to reconsider the vote heretofore had on the indefinite postponement thereof;

Which motion passed in the affirmative.

The question then recurred on the motion of Mr. Carter to postpone the further consideration thereof indefinitely,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Carter, Clark, Davis, Dunn, Dunning, Edwards, Fairman, Ferguson, Fields, Foster, Fowler, Guard, Howell, Jones, McDonald, Reid, Smith of F., Stanford, Steele, Thornberry, Vandever, Wallace, Williams, Woodruff, Wright of P., and Palmer, Speaker—30.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Brackenridge, Brady, Bramwell, Brown of L., Brown of T., Craig, Crume, De Pauw, Dorsey, English, Evans, Gookins, Guion, Hardesty, Hargrove, Hughes, Huntington, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Bean, Moore, Nichols, Noble, Parker, Pearson, Piercy, Smith of K., Smith of R., Snapp, Stafford, Stuart, Thompson, Vance, Willett, Wilson, Wright of P. and D., and Yocom—43.

So said motion was decided in the negative.

The question was then put,

Shall said resolution be adopted?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Brackenridge, Brady, Bramwell, Brown of L., Brown of T., Colerick, Craig, Crume, De Pauw, Dorsey, English, Evans, Gookins, Guion, Hardesty, Hargrove, Hughes, Huntington, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Bean, Moore, Nichols, Noble, Parker, Pearson, Piercy, Smith of K., Smith of R., Snapp, Stanford, Stuart, Thompson, Vance, Willett, Wilson, Wright of P. & D., and Yocom—43.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Carter, Clark, Davis, Dunn, Dunning, Edwards, Fairman, Fields, Foster, Fowler, Guard, Howell, Jones, M'Donald, Reid, Smith of F., Stanford, Steele, Thornberry, Vandever, Wallace, Williams, Woodruff, Wright of P., and Palmer, Speaker—30.

So said resolution was adopted.

On motion of Mr. Kelso,

The resolution offered by Mr. Wallace and laid on the table on the 4th inst., relative to raising the per diem allowance of the President of the Senate and Speaker of the House of Representatives, was taken up.

Mr. Reid moved to amend the same, by striking out four dollars, and inserting in lieu thereof, "not exceeding three dollars."

A division of the question being called for, it was thereupon put on striking out,

And passed in the affirmative.

Mr. Kiser moved to postpone the further consideration of said resolution and proposed amendment indefinitely,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bennett, Bigger, Brackenridge, Carter, Clark, Craig, Crume, Davis, De Pauw, Dorsey, Dunning, English, Ferguson, Fowler, Guard, Hardesty, Hargrove, Howell, Kiser, Levenworth, Moore, Piercy, Smith of F., Stanford, Thompson, Vandever, Woodruff, Wright of P. & D., Yocom, and Palmer, Speaker—31.



*And those who voted in the negative, are*

Messrs. Angle, Baber, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Colerick, Dunn, Edwards, Evans, Fairman, Fields, Foster, Gookins, Guion, Hughes, Huntington, Jones, Kelson, Kilgore, Leslie, M'Bean, M'Donald, Monroe, Nichols, Noble, Parker, Pearson, Reid, Smith of K., Smith of R., Snapp, Stafford, Steele, Stuart, Thornberry, Vance, Wallace, Willett, Williams, Wilson, and Wright of P.—43.

So said motion was decided in the negative.

The question was then put, shall said resolution be adopted?

And passed in the affirmative.

Mr. Pearson, after having obtained leave, presented a bill to legalize the sale of school lands in Vermillion county;

Which was read the first time and passed to a second reading.

Mr. Steele after having obtained leave presented a bill to change a part of the state road from the town of Richmond, Wayne county, to Fort Wayne in Allen county;

Which was read the first time and passed to a second reading.

Mr. Huntington, on leave, presented a bill subjecting certain articles to sale for repairs after a certain period;

Which was read the first time and passed to a second reading.

Mr. Stuart, on leave, presented a bill to incorporate the Jeffersonville steam mill company;

Which was read the first time and passed to a second reading.

Mr. Stafford, after having obtained leave, presented a bill to locate a state road from Morgantown in Morgan county to Indianapolis;

Which was read the first time and passed to a second reading.

Mr. Baber, after having obtained leave, presented a bill to amend an act entitled an act to establish a state road from Fairplay in Green county to intersect the Vincennes state road at or near Benjamin Stafford's in said county and for other purposes, approved Feb. 1, 1833;

Which was read the first time and passed to a second reading.

Mr. Thompson, after having obtained leave, presented a bill to amend an act entitled an act to regulate descents distribution and dower, approved Jan. 29, 1831;

Which was read the first time and passed to a second reading.

Mr. Willett, on leave, presented a bill to legalize the election of district trustees in Marion county;

Which was read the first time and passed to a second reading.

Mr. Davis after obtaining leave, presented a bill for the relief of Powell Deans;

Which was read the first time and passed to a second reading.

On motion of Mr. Brown of T.,

The consideration of the bill to amend an act entitled an act for assessing and collecting the revenue, approved February 10,

1821, and to provide for an equitable and uniform mode of taxation, was postponed until Wednesday next and made the special order for that day.

On motion of Mr. Howell,

The engrossed bill from the Senate declaring certain roads therein named state roads, and laid on the table on the 3d inst., was taken up.

On motion of Mr. Bramwell,

Said bill was amended by striking out so much as relates to the road between Vernon and Brownstown.

On motion of Mr. Smith of R.,

The same was amended by inserting after the word Versailles in the 4th section, the words "New Marion and Millersburgh."

Mr. Brackenridge moved further to amend the same by striking out the first section,

And before the question was had thereon,

The House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment,

And resumed the consideration of the bill pending at the last adjournment.

The question was then put on the motion of Mr. Brackenridge to strike out the first section;

Which motion did not prevail.

On motion of Mr. Brown of L.,

Said bill was further amended by adding thereto the following as an additional section:

"The upper or most direct road from Brownstown by Leesville to Bedford in Lawrence county, be and the same is hereby established a state road."

*Ordered*, That said amendments be engrossed and the bill read a third time to-morrow.

On motion of Mr. Brown of L.,

The committee of the whole to which was committed the bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831, was discharged from the further consideration thereof.

Mr. Stanford moved to amend said bill by striking out so much as relates to the publication in a newspaper;

Which motion was decided in the negative.

On motion of Mr. Baber,

Said bill was amended by extending the provisions of the same to Greene county.

Said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Bigger,

The previous orders of the day were postponed and the bill

for the relief of the heirs of John Horlock, late of Rush county, deceased,

Was read the second and third times, amended by unanimous consent and passed.

*Ordered*, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Brady,

The House resolved itself into a committee of the whole on the bill to establish a state bank, and after some time spent therein, the Speaker resumed the chair and Mr. Angle reported progress and asked leave to sit again, which leave was granted by the House.

Mr. Dunning from the joint committee of enrolled bills reported, that they did on the 10th instant present to the Governor for his approval and signature bills entitled acts as follows, to-wit:

An act to incorporate the Corydon steam mill company, and

An act to locate a state road from the east bank of the Wabash river, opposite Perryville, to the narrows of Sugar creek, in Parke county.

And then the House adjourned until to-morrow morning at 9 o'clock.

## SATURDAY MORNING, JAN. 11, 1834.

The House met pursuant to adjournment.

Mr. Bennett from the joint committee of enrolled bills reported that they have compared the enrolled with the engrossed bills entitled acts as follows, viz:

An act for the relief of William Clark of Monroe county;

An act authorizing the Sheriff of Spencer county to summon a grand and petit jury for the April term of the Spencer circuit court; and

An act to amend an act entitled "an act to locate and establish a state road from Orleans in Orange county via Livonia in Washington county, to intersect the state road leading from New Albany to Vincennes in the direction of Greenville in Floyd county, approved Feb. 2, 1833,

And find them truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

On motion of Mr. Dunning,

Mr. Nichols had leave of absence until Monday next.



A message from the Senate, by Mr. Morrison, their Assistant Secretary:

MR. SPEAKER,

The Senate has passed engrossed bills of the following titles, in which the concurrence of the House of Representatives is requested, viz:

An act changing the name of David Miller;

An act in amendment to an act entitled act to appropriate part of the 3 per cent. fund, approved Jan. 31, 1833, and

An act to establish a state road from Rome in Perry county to Paoli in Orange county.

The bills named in said message were severally read the first time and passed to a second reading.

On motion of Mr. Stanford,

The several previous orders of the day were postponed, and the House again resolved itself into a committee of the whole on the bill to establish a state bank, and after some time spent therein the Speaker resumed the chair, and Mr. Bigger reported progress and asked leave to set again, which leave was granted by the House.

Mr. Dunning from the joint committee of enrolled bills now report, that they have compared the enrolled with the engrossed bills of entitled acts the House of Representatives as follows, to-wit:

An act to establish points in certain state roads in Vigo county and for other purposes;

An act to authorize the recorder of Sullivan county, to record a town plat therein named;

An act to establish a state road from Liberty in Union county to the state line in a direction to Germantown Ohio, and

An act declaring a certain road therein named a state road, and to provide for the continuation of said road,

And find the same truly enrolled.

Whereupon,

The Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their President.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Wright of P., after having obtained leave, presented a bill for the relief of Thomas Neely of Putnam county Indiana;

Which was read the first time and passed to a second reading.

Mr. Craig, having obtained leave, presented a bill to amend an act subjecting real and personal estate to execution, approved Feb. 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Colerick from the select committee to which was referred a resolution on that subject, after having obtained leave, presented a joint resolution on the subject of granting a right of way to the Wabash and Michigan rail road company;

Which was read the first time and passed to a second reading.

Mr. Kelso from the select committee to which was committed the bill changing the name of Williamsburgh in Wayne county to the name of Steelesville, after obtaining leave, reported the same with one amendment;

Which was read and concurred in.

Said bill was then ordered to be engrossed and read a third time on Monday next.

On motion of Mr. Kilgore,

The bill authorizing the location of the seat of justice of Huntington county and for other purposes,

Was read the second time and committed to the same select committee who reported it.

On motion of Mr. Brown of T.,

The House again resolved itself into a committee of the whole on the bill establishing a state bank, and after some time spent therein, the Speaker resumed the chair, and Mr. Thompson reported progress and asked leave to sit again, which leave was granted by the House,

And the House adjourned until Monday morning at 9 o'clock.

## MONDAY MORNING, JANUARY 13, 1831.

The House met pursuant to adjournment.

Mr. Nichols who heretofore had leave of absence appeared and took his seat.

Mr. Hardesty after having obtained leave, moved the following resolution, which was read and adopted:

*Resolved*, That this House will instantler proceed to the election of canal commissioner to fill the vacancy occasioned by the expiration of the term of John Scott, that the Senate be informed thereof and that seats be provided for them on the right of the Speaker's chair, and that                    be appointed teller on the part of this House.

Whereupon, Mr. Hardesty was appointed teller on the part of the House.

Mr. Vance made the following report, which was read and concurred in, and the committee discharged:

The committee on canals and internal improvements to which

was referred a resolution of this House directing them to enquire into the expediency of dispensing with the acting duties of part of the members of the board of canal commissioners, except on the decision of questions and during the session of the Legislature, have according to order had that subject under consideration, and have directed me to report, that as the services of one of said commissioners will be constantly required in the selecting canal lands and attending to sales during the next season, and as it is contemplated to put another section of the canal under contract, the duties of any of the commissioners could not be dispensed with without injury to the successful prosecution of the work. The committee would therefore ask to be discharged from the further consideration of that subject.

Mr. Dunning made the following report, which was read and the committee discharged accordingly:

The committee on canals and internal improvements to which was referred a resolution directing them to enquire into the expediency of improving the two White rivers by the application of the three per cent. fund allotted to the respective counties through which those streams pass, have had the same under consideration, and are duly impressed with the importance of the subject, as well as the propriety of the improvement of the navigation of said rivers by liberal state and national appropriations, but as there is now a bill before this House providing for the objects contained in the resolution, they have instructed me to report that further legislation upon that subject at this time is inexpedient, and ask to be discharged from the further consideration of the same.

Mr. Smith of K. made the following report, which was read and concurred in:

The committee on canals and internal improvements to whom was referred the memorial of T. H. Cook and others, together with the proceedings of a public meeting held at Andersontown, in Madison county, on the 20th December last, praying for the appointment of an engineer on the part of the state, to survey the route of a canal or rail road from Fort Wayne to Indianapolis, and a charter on liberal principles for a company to construct the same, have had that matter under consideration and have directed me to report that they deem it inexpedient to legislate on this subject at this time.

The Speaker laid before the House sundry petitions on the subject of the Wabash and Erie canal;

Which were severally read and referred to the committee on canals and internal improvements.

Mr. Kelso presented a petition of Gilbert Hall and others, praying a state road from Rising Sun to Cross Plains;

Which was read and referred to a select committee of Messrs. Kelso, Smith of R., and Guion.

Mr. Smith of K. presented a petition of Samuel Hill and oth-



ers, praying an amendment to the law incorporating the borough of Vincennes;

Which was read and referred to a select committee of Messrs. Smith of K., Snapp, and M'Donald.

Mr. M'Bean presented a remonstrance of sundry persons relative to the Wabash and Erie canal;

Which was read and referred to the committee on canals and internal improvements.

Mr. Woodruff, after having obtained leave, presented a bill to establish a state road in Johnson county;

Which was read the first time and passed to a second reading.

Mr. Moore presented a petition of J. Dunn and others, praying an appropriation to build a bridge across the mill fork of Eel river;

Which was read and referred to the committee on roads.

Mr. Dunning from the committee on roads to which were referred sundry petitions on that subject, reported a bill to repeal an act therein named vacating a certain state road and for other purposes, approved February 1st, 1833;

Which was read the first time and passed to a second reading.

Mr. Steele from the committee on roads to which was referred the report of the commissioner on the Michigan road, together with sundry resolutions on that subject, reported a bill for the further improvement of the Michigan road and for other purposes;

Which was read the first time and passed to a second reading.

Mr. Thompson from the judiciary committee to which was referred a resolution on that subject, reported a bill to amend an act entitled an act regulating prison and prison bounds, approved December 22d, 1823;

Which was read the first time and passed to a second reading.

The Speaker laid before the House the following communication, which was read and referred to the committee of ways and means:

13th JANUARY, 1834.

*Hon. N. B. Palmer:*

Sir—Please lay the within communication before the House of Representatives.

Respectfully,

B. I. BLYTHE.

*Gentlemen of the House of Representatives:*

My term of office (as agent 3 per cent. fund) expired on the 6th inst.; since which time I have paid out money to commissioners without (as I conceive,) any authority to do so. Calls are being made almost daily for money; shall I continue to pay? I wait your determination.

Respectfully,

B. I. BLYTHE.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER:

The Senate has passed engrossed bills entitled,

An act declaring a certain state road therein named a state road;

An act to establish a state road from Jasper to Troy.

In which bills the concurrence of the House of Representatives is requested.

The bills named in said message were severally read the first time and passed to a second reading.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER:

The Senate reciprocate the resolution of the House fixing on this morning for the election of canal commissioner to fill the vacancy occasioned by the expiration of the term of John Scott.

Mr. Long is appointed teller on the part of the Senate.

The Senate then came down from their chamber and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, when both Houses of the General Assembly by joint ballot proceeded to the election of a canal commissioner to fill the vacancy occasioned by the expiration of the term of John Scott.

On counting the first ballot it appeared that

Jordan Vigus received	7	votes for that office,
Horace Bassett	" 16	" "
James B. Johnson	" 19	" "
James B. Ray	" 34	" "
John Roop	" 8	" "
Dennis Pennington	" 15	" "
Scattering	1	

No person having received a majority of all the votes given, both Houses in like manner proceeded to a second balloting.

On the second ballot

Jordan Vigus received	1	vote for that office,
Horace Bassett	" 17	" "
James B. Johnson	" 27	" "
James B. Ray	" 37	" "
John Roop	" 4	" "
Dennis Pennington	" 14	" "
Scattering	1	

No person yet having received a majority of the whole number of votes given, both Houses proceeded in like manner to a third balloting.

On the third ballot

James B. Johnson received	36	votes for that office,
James B. Ray	" 42	" "
Horace Bassett	" 13	" "

Dennis Pennington	"	5	"	"
Scattering		4		

No person yet receiving a majority of all the votes given, both Houses proceeded to a fourth balloting.

On the fourth ballot

James B. Johnson received	55 votes for that office,
James B. Ray	" 42 "
Scattering	4

James B. Johnson having received a majority of all the votes given was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected canal commissioner to serve as such for the term of three years from and after this day.

Mr. Huntington made the following report:

The committee on canals and internal improvements to whom were referred the several reports of the canal and canal fund commissioners on the subject of the Wabash and Erie canal as well as so much of the Governor's message with accompanying documents as relates to the same subject, have had the same under consideration and now report:

That the importance as well as policy of this work has long since been settled. The doubts once entertained as to its practicability, have been dissipated with every step which has been taken, until at this period of time, but few can be found in any part of Indiana disposed to throw any obstacles in the way of its successful and speedy completion. Indeed it seems to be conceded by those who still deny the policy of the project, that the state is now bound by every consideration of honor and plighted faith to go on with the work, while others who were once found in opposition to the measure, now yield it a firm and decided support. It is not the purpose of the committee however now to investigate the objections that *some* have urged against the construction of this magnificent work, or the opinions of *others* who claim for it (and for themselves, because identified in some degree with its success,) a fictitious importance. Time has already had the effect to soften the prejudices of the former, and in its corrective influence, will fix a proper estimate upon the political sagacity and patriotism of the latter. That *nature* first marked out this work as necessary to the consummation of her own magnificent arrangements, a single glance at the map of our country will prove. That *enterprise* will execute it, there can be but little doubt; *that* enterprise which is awakened by the necessities and interests of a large portion of the people of this state. Too much praise cannot however be rendered unto those who through good and evil report have adhered to that policy now in the "full tide of successful experiment" which is filling our country with roads and canals and building up facilities for our commerce. It is only necessary to look at our sister states of New York and Ohio, and to review their legislation for the last fifteen or twenty years, in order to discover



that their rapid advancement in prosperity and power may be traced mainly to improvements of this character. Since the death of the lamented Clinton and since party rancor has ceased to be busy with his name, his memory has become sanctified by his identity with the *Erie* canal. That enterprise was once pronounced visionary, but when the names of those who ridiculed it, and heaped oppression upon the head of its great projector shall have passed into forgetfulness, *his* will be surrounded by a pure and a deathless renown.

From the period at which public attention was first directed to the construction of a water communication between the Wabash river and the Maumee, the project has been regarded as an important one, indeed as essential to the commercial and agricultural interests of a large portion of our country. The history of the Wabash and Erie canal from the first survey to the present period, connected with a knowledge of the situation and resources of the country through which the canal line passes; the great and increasing interests involved in its completion, and the large expenditures already made which must remain comparatively useless until the work shall be so far completed as to be used for commercial purposes; are deemed sufficient arguments in favor of an energetic prosecution of the work.

The report of the canal and canal fund commissioners shew very perspicuously the condition of the line, the amount already expended, and the means now on hand for the further prosecution of the work. The committee concur fully in the views expressed by both boards of commissioners as to the expediency of its vigorous prosecution. By this means emigration will be induced, the value of the canal lands enhanced, and the slumbering resources of a very considerable portion of our state at once awakened. In order to go on with spirit and success a large amount of money will be required. Your committee recommend a loan of an amount not exceeding \$500,000 to be limited according to the extent of the operations on the line, to be drawn when required by such operations, and to bear interest from the time it is drawn. It is believed that a loan to that amount could be contracted upon better terms than a smaller one and that the stock thus created, would command a much greater premium in the foreign market. The canal lands remaining unsold upon the estimate of the canal commissioners would about cover such loan, and if they are suffered to remain unsold until the completion of the work will probably, by their enhanced value, more than redeem the debt. Be that as it may, to force their sale at this period, would clearly be bad policy. A loan to the amount recommended it is thought would nearly cover the whole expense of the work, connected with the means already provided.

Ohio following up the bold, spirited, and enterprising course she long ago marked out for herself, the benefits of which are now felt by every portion of her citizens, has already pledged herself to go

on with that part of the work within her borders. Shall Indiana with her important interests at stake, with her character too as an independent state involved in the measure, falter in her course?—Your committee think they may respond for her *no!*

Some slight changes have been deemed necessary in the existing law regulating the powers of the canal fund commissioners, as well as for the preservation of the line already completed and now under contract, suggested by experience and the progress of the work. These changes and amendments are embraced in the bill herewith presented, and will occur to every one as proper to be made.

Your committee have provided in said bill that during the next summer the canal commissioners shall direct the necessary surveys and estimates to be made of the canal line from Logansport to the head of navigation on the Wabash river, embracing both sides of that stream. Numerous petitions and remonstrances have been referred to the committee on the subject of the permanent location of that part of said line. They serve to shew that a deep and pervading interest is felt in that section of the state on that subject.

Your committee however deem it unnecessary at this time, to express any other opinion as to that location, except that it should be finally made upon that side of the river which would render the work most serviceable to the *general interests* of Indiana, without reference to *private* or *sectional* benefits.

The bill herewith presented has been laid before the Senate in a similar shape. It would have been submitted to the House at an earlier period but for the fact that the reports of the canal commissioners, owing to perhaps unavoidable circumstances were not said before the committee until a few days since. The views now submitted by your committee have been hastily thrown together, and are presented more as an apology for the lateness of the period at which this important subject has been laid before the House than as a report embracing all the important considerations connected with this interesting subject.

Which was accompanied by a bill entitled a bill to provide means for the construction of the Wabash and Erie canal;

Which was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole House and made the special order of the day for Friday next.

Mr. Bennett from the joint committee of enrolled bills, reported that they have, on this day, presented to his excellency the Governor, for his approval and signature, bills entitled acts as follows, viz:

An act for the relief of William Clark of Monroe county;

An act to authorise the Sheriff of Spencer county to summon a grand and petit jury for the April term of the Spencer circuit court; and

An act to amend an act "entitled an act to locate and establish

a state road from Orleans in Orange county, via Livonia in Washington county, to intersect the state road leading from New Albany to Vincennes, in the direction of Greenville in Floyd county, approved February 2, 1833.

Mr. Dunn made the following report, which was read and concurred in:

The committee on public buildings to whom was referred a resolution directing them to enquire into the propriety of selling the Governor's house and circle, have had that subject under consideration and direct me to report that it is inexpedient to legislate on that subject.

Mr. Crume made the following report:

The committee of ways and means to which was referred a resolution of this House instructing them to enquire into the expediency of increasing the per diem compensation of the President of the Senate and Speaker of the House of Representatives, have had the same under consideration, and a majority of said committee have directed me to report that in their opinion it would be inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of that subject;

Which was read, and

On motion of Mr. Evans,

*Ordered*, That the same do lie on the table.

Mr. Brackenridge made the following report:

The judiciary committee to whom was referred the expediency of amending an act to regulate the mode of summoning and empannelling grand and petit jurors with a view to remedy several defects therein and to confer certain powers on the judges of the circuit and probate courts have considered the subject and report the following bill entitled,

A bill to amend an act entitled an act to regulate the mode of summoning and empannelling grand and petit jurors:

Which was read the first time and passed to a second reading.

Mr. Brown of T. made the following report:

The select committee to whom was referred the petition of Barrett Timmons and others, praying that a part of the Territory attached to Warren county may be attached to Tippecanoe county, have had that subject under consideration, and report, that any legislation upon this matter is inexpedient at the present time, and therefore pray to be discharged from the further consideration of the subject;

Which was read and the committee discharged.

Mr. Kilgore from the select committee to which was committed the bill authorising the location of the seat of justice of Huntington county and for other purposes—reported the same with two amendments;

Which were read and concurred in.

Said bill was then read the third time, and

On motion of Mr. Stanford



Recommitted to the same select committee who reported it, with instructions to strike out the Lawrence county commissioner.

On motion of Mr. Dunning,

The several orders of the day which precede the bill to amend an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831, were postponed and the House proceeded to consider said bill.

*Ordered*, That the committee of the whole to which said bill was committed, be discharged from the further consideration thereof.

Said bill was then read the third time, and

On motion of Mr. Huntington,

Recommitted to the same select committee who reported it, with instructions to strike out from the provisions thereof the counties of Pike and Dubois.

Mr. Colerick from the select committee to which was recommitted the engrossed bill authorizing the location of the seat of justice of Huntington county and for other purposes reported the same with one amendment;

Which was read and concurred in.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Dunning from the select committee to which was recommitted the engrossed bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831, reported the same with one amendment;

Which was read and concurred in.

On motion of Mr. Wilson,

The same was further amended by adding at the end of said bill, after the word "publication" the words "in the Indiana Journal."

Said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Craig, after having obtained a postponement of the previous order of business, the committee of the whole to which was committed the bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831, was discharged from the further consideration thereof.

On motion of Mr. Clark,

Said bill was amended by adding the county of Warren to the provisions of said bill.

On motion of Mr. Davis, Shelby county was added.

On motion of Mr. Vance, Montgomery and Clinton counties were added.

On motion of Dunning, Monroe county was added.

On motion of Mr. Fairman, Tippecanoe county was added.

On motion of Mr. Yocom, Clay county was added.

On motion of Mr. Moore, Owen county was added.

Mr. Willett moved to amend the same by striking out the several counties therein named and providing that the law be made general.

Mr. Kilgore moved to postpone the further consideration of said bill and proposed amendments indefinitely,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bennett, Bigger, Bradbury, Colerick, Crume, Dorsey, Edwards, Evans, Ferguson, Gookins, Howell, Hughes, Jones, Kilgore, M'Bean, M'Donald, Noble, Parker, Pearson, Reid, Smith of F., Smith of R., Stanford, Steele, Stuart, Thompson, Thornberry and Willett—28.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Brady, Brown of L., Brown of T., Carter, Clark, Craig, Davis, De Pauw, Dunning, Fairman, Fields, Foster, Fowler, Hardesty, Hargrove, Huntington, Kelso, Kiser, Leslie, Levenworth, Monroe, Moore, Nichols, Piercy, Snapp, Stafford, Vance, Vandever, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D., Yocom and Palmer, Speaker—37.

So said motion was decided in the negative,

And then the House adjourned until two o'clock, P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment.

On motion of Mr. Wright of P.,

The several orders of the day which precede the bill for the relief of Thomas Neely of Putnam county, Indiana, were postponed.

Said bill was then read the second and third times (the rules of the House being dispensed with) and passed.

*Ordered,* That it be entitled an act, and that the clerk carry the same to the Senate and ask their concurrence.

Mr. Davenport, to whom leave of absence was heretofore granted, appeared and took his seat.

On motion of Mr. Smith of F.,

The several orders of the day which precede the bill to establish a state bank, were postponed, and the House again resolved itself into a committee of the whole on said bill, and after some time spent therein, the Speaker resumed the chair, and Mr. Bigger reported the same with sundry amendments.

Pending the question on concurring therein, by consent of the House.

Mr. English from the joint committee of enrolled bills, report, that they did on this day present to the Governor for his approval and signature the following bills:

An act to establish points in certain state roads in Vigo county and for other purposes;

An act declaring a certain road therein named a state road, and to provide for the continuation of said road;

An act to authorize the recorder of Sullivan county to record a town plat therein named, and

An act to establish a state road from Liberty in Union county to the state line in a direction to Germantown, Ohio.

And the House adjourned until to-morrow at 9 o'clock.

## TUESDAY MORNING, JANUARY 14, 1834.

The House met pursuant to adjournment.

Mr. Kiser after having obtained leave, presented a memorial of the General Assembly of the state of Indiana, for an appropriation to extenuate and increase mail communication in the west;

Which was read the first time and passed to a second reading.

Mr. Kilgore presented a petition of Peter Darr and others, praying a state road from the Ohio line, near Fort Recovery to Goshen;

Which was read and referred to the committee on roads.

Mr. Kilgore presented a petition of Elias Murray and others, praying a state road from Wm. M'Cormick's to the town of Huntington;

Which was read and referred to the select committee to which a petition on the same subject was heretofore referred.

Mr. Edwards presented a petition of Jonathan Hiat and others, praying a change in part of the state road leading from Richmond to Fort Wayne;

Which was read and referred to the committee on roads.

Mr. Smith of F., presented a petition of Isaac Limpus and others, praying a state road from a point where the state road leading from Brookville to Rushville crosses White Water, to Columbia, in Fayette county;

Which was read and referred to a select committee of Messrs. Smith of F., Crume, and Willett.

Mr. Willett presented a remonstrance of Samuel Luttor and others, against a change in the state road from Rushville to Greenfield;

Which was read and referred to the committee on roads.



Mr. Colerick presented a petition of W. G. Ewing and others, relative to a state bank;

Which was read and laid on the table.

Mr. Vance presented a petition of James Conrod and others, praying a change in the law regulating the jurisdiction and duties of justices of the peace:

Which was read and laid on the table.

On motion of Mr. Smith of K.,

The several orders of the day which precede the bill supplemental to the act or acts incorporating the borough of Vincennes, were postponed, and the House proceeded to consider the same.

Said bill was then read the second time, and,

On motion of Mr. Smith of K.,

Committed to the select committee to which a petition on the same subject was heretofore referred.

On motion of Mr. Angle,

The bill incorporating the Wabash manual labour college and teacher's seminary, heretofore laid on the table, was taken up, when,

Mr. Angle moved to amend the amendment proposed by the Senate to said bill as follows:

Being the words following, to wit:

"In which the trustees shall elect their successors, and nothing in this act contained, shall be construed to render any trustee ineligible to a re-election."

By striking out from the word "in," in the first line to the word "re-election," in the fourth line, both inclusive, and inserting in lieu thereof the following:

The annual election of trustees shall be conducted as follows, to wit: Three weeks prior to the holding of such annual election, due notice shall be given by the trustees, by advertisement in a newspaper, published in the county where said college is situated, if any be there published, if not, in some newspaper published in one of the adjacent counties nearest thereto, giving notice of the time and place of holding said election. The contributors to said college who may attend said meeting, shall then proceed to ballot for four trustees; and any person having a right to vote, not attending, may vote by proxy. Each contributor shall be entitled to one vote for every ten dollars contributed and paid in towards said institution, until said sum exceeds fifty dollars, then one vote for every \$25 until the sum exceeds one hundred dollars, and for all over \$100 one vote for every \$ 50 & the four persons receiving a majority of the votes given, shall be considered duly elected. The board shall have power at any of their meetings, to fill vacancies which may occur in their body by death, resignation, removal, or a failure of the contributors at any time to assemble & elect trustees as provided; elections shall all be by ballot Which was read and agreed to by the House.

Said amendment of the Senate as amended, was then concurred in.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in said amendment made by the House.

On motion of Mr. Kilgore,

The several orders of the day which precede the engrossed bill authorizing the location of the seat of justice of Huntington county and for other purposes, were postponed and said bill read a third time and passed.

*Ordered*, That it be entitled an act and the Clerk inform the Senate thereof and ask their concurrence:

Mr. Dunn, after having obtained leave, moved the following resolution:

*Resolved*, That the Senate concurring, the House will proceed to the election of an agent of the three per cent. fund, instantler; that the Senate be informed thereof, and that seats be provided for them on the right of the Speaker's chair.

Mr. Moore moved to amend the same, so that seats be provided for the Senate in front of the Speaker, instead of on the right of the Speaker's chair, when,

On motion of Mr. Willett,

*Ordered*, That said resolution and proposed amendments do lie on the table.

A message from the Senate by Mr. Morris their secretary.

MR. SPEAKER:

The Senate has passed engrossed bills, memorial, and joint resolution of the House of Representatives, entitled,

An act to change a part of the state road leading from New York, in Switzerland county, to intersect the state road leading from Vevay, in said county, to Versailles, in Ripley county, and

A memorial and joint resolution of the Legislature of Indiana, praying relief for William Bilsland;

The first without, and the second with amendments,

In which the concurrence of the House of Representatives is requested.

The House disagreed to the first amendment made by the Senate first above named, and concurred in the second.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Crume made the following report,

Which was read and concurred in:

The committee of ways and means to which was referred a resolution of this House, instructing them to enquire into the expediency of fixing a time by law, when the Michigan road lands already sold, shall become taxable, also how long such road lands hereafter sold, shall remain exempt from taxation, have had that

matter under consideration, and have directed me to report a bill subjecting all Michigan road lands to taxation, from the time of their sale. The committee was also of opinion, that all Indian reservations which have, and which might hereafter fall into the hands of any individual or individuals, ought to be subject to a tax; I have therefore provided in the bill herewith submitted, that said reservations shall hereafter be taxed.

The bill accompanying said report, is entitled

A bill to amend an act entitled an act for assessing and collecting the revenue, approved Feb. 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Brackenridge made the following report:

The judiciary committee to whom was referred an enquiry into the propriety of authorizing and permitting a plea of tender in actions ex delecto, have considered the same, and report the following bill, entitled:

A bill to amend an act entitled an act regulating the practice in suits at law;

Which was read the first time and passed to a second reading.

Mr. Carter made the following report:

The committee on the affairs of the state prison to whom was referred so much of His Excellency the Governor's message, as relates to the state prison, have according to order, had that subject under consideration, and have directed me to report, that no further legislation is required upon that subject at the present session, and therefore ask to be discharged from the further consideration thereof.

The committee was thereupon discharged accordingly.

Mr. Nichols from the committee on roads, to which was referred the petition of Peter M'Roberts and others, on that subject, reported a bill to relocate a part of the Mooresville, Danville, & Crawfordsville state road;

Which was read the first time and passed to a second reading.

Mr. Gookins from the committee on canals and internal improvements, to which was referred a resolution on that subject, reported a memorial and joint resolution of the General Assembly of the State of Indiana to the Congress of the United States, concerning the Wabash and Erie canal lands;

Which was read the first time and passed to a second reading.

Mr. Wright of P. made the following report:

The select committee appointed by a resolution of this House, to examine the situation and amount of the Wabash Fund, and how much of said fund was contributed by certain counties in this State, and how the same has been employed since it was created, have investigated the subject, and direct me to report, that by an



act approved Dec. 31, 1821, entitled an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the 3 per cent fund, for opening said roads, the sum of two thousand nine hundred and two dollars and ninety seven cents, was appropriated to certain roads in the counties of Knox, Sullivan, Vigo, Parke, and Vermillion; that by an act approved Jan. 31 1824. entitled an act for improving the navigation of the river Wabash, the Agent of the 3. per cent. fund was required to sett off and denominate the Wabash fund, all that portion of the appropriation of one hundred thousand dollars, made in 1821, due to roads running within the territory of country composing the counties above named, by virtue of which act, the sum above named of \$2,902,97, as appears by examining the books of the Agent, was set off from said counties as the Wabash fund; that by authority of two acts of the Legislature, passed in 1825, the first approved Feb. 12, second approved Feb. 7, it appears by reference to the Agent's books, that the sum of \$137,11 cents was paid out of said Wabash fund to the county of Knox, for certain purposes named in said act, and that the sum of \$147,34 cents was paid to Sullivan county, for the purpose of compensating individuals for damage sustained by them, by the running of certain roads through their land, which sum deducted from said Wabash fund, leaves on hand of said fund, as taken from the counties aforesaid, the sum of

\$2,568,52

To which add, after deducting the Agent's commission, the sum of two thousand dollars appropriated in 1828,

\$1,960,00

Which with interest since it has been in the hands of the commissioners of the canal fund, being twenty months,

\$452,90

Makes the whole amount of said fund

\$4,981,40

And the amount taken from the counties of Parke, Vigo, Sullivan, Knox, and Vermillion,

\$2,819,40

Your committee are of opinion that the said sum of \$2,819,40 of right belongs to the counties above named, for the purpose of improving the roads and highways in said counties, and in pursuance of said opinion report a bill, entitled,

A bill to provide for appropriating the Wabash fund;

Which was read the first time and passed to a second reading.

Mr. Smith of F. from the select committee to which was referred a petition on that subject, reported a bill to establish a state road from Cromwell's mill, in Franklin county, through Columbia, in Fayette county, in the direction of Louisville, in Henry county, to intersect the Rushville and Connersville state road;

Which was read the first time and passed to a second reading.

Mr. Snapp from the select committee to which was referred petitions on that subject, reported a bill amendatory to an act en-

titled an act declaring Busserow creek a public highway, approved Jan. 21, 1826;

Which was read the first time and passed to a second reading.

Mr. Davis from the select committee to which was referred a petition of Balsor Fox and others, reported a bill for the relief of the petitioners;

Which was read the first time and passed to a second reading.

Mr. Smith of K. from the select committee to which was committed a bill supplemental to the act or acts incorporating the borough of Vincennes, reported the same with one amendment;

Which was read and concurred in.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Dorsey made the following report,

Which was read and the committee discharged:

The select committee to which was referred the petition of sundry citizens of Harrison county praying to be attached to the county of Floyd, have had the same under consideration and the committee being equally divided have directed me to report the facts, and ask to be discharged.

Mr. Wallace from the select committee to which was referred the petition of John Alling, John Vawter, and others, on that subject, reported a bill to relocate a part of the state road leading from Madison to Indianapolis;

Which was twice read (the rules of the House having first been dispensed with.)

On motion of Mr. Wallace,

The blank in said bill was filled with the words "ten dollars."

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Smith of K., made the following report:

The select committee to whom was referred the petition of Samuel Hill and others relative to the borough of Vincennes, have had the subject under consideration, and report that the prayer of the petitioners being provided for in a bill now before the House, amending the act or acts incorporating said borough, they ask to be discharged from the further consideration thereof:

Said committee was thereupon discharged accordingly.

Mr. Stanford made the following report:

The select committee to which was referred a resolution of this House, directing an inquiry into the propriety of providing for the examination and survey of a route commencing at Lawrenceburgh in Dearborn county, from thence up the White Water valley, via Brookville, Connersville, Milton and to Hagers-town in Wayne county, with an eye to the construction of a canal or rail road, have according to order, had the same under consideration, and have directed me to make the following report, accompanied by a joint memorial and resolution:

The committee in taking a view of the dense population of that portion of the state commonly called the valley of the White Waters, with the great fertility of the soil, and vast amount of surplus produce which abound to overflowing in that part of Indiana, and the many manufacturing advantages owing to the abundance of water power for propelling machinery, they cannot but regret the total absence of navigation and great roads, by which the industrious farmers of the country could put their produce into an advantageous market; and are deeply sensible of the necessity of a canal or rail road, extending from the Ohio river at Lawrenceburgh, to intersect the Wabash and Erie canal in a direction to the southern bend of the St. Joseph river of Lake Michigan.— That such a work is practicable there can be no doubt. The face of the country being generally level, and abounding with all the necessary materials for the construction of a permanent work of internal improvement, and more especially for a rail road; and when we contrast the necessity and importance of such a work passing through such a region of country, opening facilities to the southern and northern markets, with the expense of constructing the work, the latter is almost lost sight of. It would be difficult to calculate with precision the cost of constructing a rail road, without a previous examination and survey of the route; but taking for a guide the latest authors who have written on the subject, we are of opinion that a single rail way of wood may be made for 1,000 dollars per mile, and if plated with iron, 1,500 dollars per mile. Upon either of these it may be safely calculated that one horse of ordinary power, would be sufficient to carry at least twelve tons. By this means the expense of transportation from the Ohio river to the counties of Fayette, Union, Wayne, Randolph, Delaware, Henry, and Rush, would be reduced from fifteen dollars per ton, to \$5 per ton, and those counties lying nearer the river, would derive proportionate benefits. Now admitting that there was transported from the Ohio river to these counties, and from thence to the Ohio river 3,000 tons per annum, which is believed to be below the true amount, at the rate of fifteen dollars per ton, which is the lowest rate of hauling at present, the expense per annum is 45,000 dollars. The same amount of tonnage could be transported on a rail road for 15,000 dollars, making a difference of 30,000 dollars annually; a sum sufficient in four years to construct a good single rail road from the Ohio river at Lawrenceburgh to the Cumberland road. The committee find it more difficult to devise proper means by which the proposed rail way may be located and constructed, than to discover the importance and necessity of the work. There is one method, however, which suggests itself to the committee as being well calculated to effect the desired object. Not only as it respects the particular route under consideration, but all others of a similar character throughout the state, that is by granting to companies liberal charters, giving to the counties interested in any particular work a preference, to sub-



scribe for the stock in their corporate capacity, or in other words authorise the boards of county commissioners in each of the interested counties to subscribe for stock in their corporate capacity on behalf of their several counties. It is believed that this would be the most efficient as well as the most equitable and satisfactory method by which these works can be accomplished. By this method the country might not only be improved with all the necessary facilities for travelling and transportation; but it is believed that the subscribing counties would thereby create an inexhaustible source of revenue, sufficient in many cases to exempt their inhabitants from taxation, either for state or county purposes—or a sum sufficient if devoted to purposes of education to support free schools to a very considerable and beneficial extent. The committee would point out many other advantages which would result from the accomplishment of such a work, but knowing the intelligence and enterprise of the citizens interested in the important improvement, they deem it unnecessary.

Said report was accompanied by a memorial and joint resolutions to the Congress of the United States on the subject of said canal route;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Crume,

*Ordered,* That 500 copies of said report be printed for the use of the members of the House.

Mr. Wallace, after having obtained leave, presented a joint resolution relative to the 3 per cent. fund;

Which was three times read, (the rules of the House having first been dispensed with,) and passed.

*Ordered,* That the Clerk inform the Senate thereof, and ask their concurrence.

On motion of Mr. Colerick,

The several orders of the day which precede the joint resolution of the General Assembly relative to the public lands were postponed, and the House resolved itself into a committee of the whole on said joint resolution, and after some time spent therein, the Speaker resumed the chair, and Mr. Bennett reported progress, and asked leave to sit again, which leave was granted by the House.

A message from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER,

His Excellency the Governor did, on the 13th instant, approve and sign acts entitled as follows, viz:

An act to establish points in certain state roads in Vigo county, and for other purposes;

An act to authorize the recorder of Sullivan county to record a town plat therein named;

An act for the relief of William Clark, of Monroe county.

An act declaring a certain road therein named, a state road, and to provide for the continuation of said road;

An act to establish a state road from Liberty, in Union county, to the state line, in a direction to Germantown, Ohio;

An act to authorize the sheriff of Spencer county to summon a grand and petit jury for the April term of the Spencer Circuit Court, and

An act to amend an act entitled an act to locate and establish a state road from Orleans, in Orange county, via Livonia, in Washington county, to intersect the state road leading from New Albany to Vincennes, in the direction of Greenville in Floyd county, approved Feb. 2d, 1833, and

All of which originated in the House of Representatives.

And then the House adjourned until 2 o'clock, P.M.

*2 o'clock, P. M.*

The House met pursuant to adjournment,

On motion of Mr. Brown of L.,

The previous orders of the day were postponed and the House proceeded to consider bills on their third reading.

Engrossed bills of the Senate of the following titles, to wit:

An act to locate a state road from Greencastle, in Putnam county, via New Maysville, Jamestown, and Lebanon, in Boone county, to the Michigan road, in Clinton county;

An act relative to county officers;

An act to authorize an asylum for the poor of the counties of Franklin, Fayette, and Union;

An act to establish a state road from Bedford in Lawrence county via Washington in Daviess county, to the rapids of the Washash river at or near the mouth of White river;

An act to locate a state road from Danville in Hendricks county via Jamestown and Thorntown in Boone county, to intersect the Indianapolis and Lafayette state road, at or near Prairieville in Clinton county; and

An act declaring certain roads therein named state roads;

Were severally read the third time and passed.

*Ordered*, That the clerk inform the Senate thereof.

Engrossed bills of the following titles, to-wit:

A bill to relocate a part of the Martinsville, Belville, Danville, and Frankfort state road and for other purposes;

A bill to locate a state road from Milton in Wayne county to Muncietown in Delaware county;

A bill to amend an act entitled an act to establish a college in the state of Indiana, approved January 24th, 1828; and

A bill to vacate a part of a certain state road therein named ;  
Were severally read the third time and passed.

*Ordered*, That they be entitled acts and that the clerk carry them to the Senate and ask their concurrence.

The engrossed bill to amend an act entitled an act for opening and repairing public roads and highways, approved February 10, 1831,

Was read the third time, when

Mr. Bramwell moved to recommit the same to a select committee with instructions to strike out so much as lays a tax on non-resident lands;

Which motion was decided in the negative.

The question was then put, shall said bill pass?

The ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Bennett, Brady, Brown of L., Carter, Craig, Davis, De Pauw, Dorsey, Dunn, Dunning, English, Evans, Fields, Foster, Gookins, Guard, Guion, Hardesty, Hargrove, Hughes, Jones, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Bean, Monroe, Moore, Nichols, Piercy, Stafford, Stanford, Vance, Vandever, Wright of P., and Yocom—38.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Bigger, Brackenridge, Bradbury, Bramwell, Colerick, Crume, Davenport, Edwards, Ferguson, Fowler, M'Donald, Noble, Parker, Pearson, Reid, Smith of F., Smith of K., Snapp, Steele, Stuart, Thompson, Thornberry, Wallace, Willett, Woodruff, Wright of P. and D., and Palmer, Speaker—29.

So said bill passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved January 19th, 1831,

Was read the third time.

The question was then put, shall said bill pass?

The ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Brackenridge, Bramwell, Brown of L., Carter, Clark, Colerick, Craig, Davenport, Davis, De Pauw, Dorsey, Dunn, Dunning, English, Evans, Fairman, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Jones, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Bean, Monroe, Moore, Nichols, Parker, Piercy, Smith of R.,



Stafford, Steele, Stuart, Vance, Vandever, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D., and Yocom—53.

*And those who voted in the negative, are*

Messrs. Bennett, Bigger, Bradbury, Edwards, Ferguson, M'Donald, Noble, Pearson, Reid, Smith of F., Smith of K., Snapp, Stanford, Thompson, Thornberry, Wallace, Willett, and Palmer, Speaker—18.

So said bill passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill to change the name of Williamsburgh in Wayne county to the name of Steelesville,

Was read the third time and passed.

On motion of Mr. Steele,

The title thereof was amended so as to read, "A bill to change the name of Williamsburgh in Clay county."

*Ordered*, That said bill be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved January 19, 1831,

Was read the third time, and

On the question, shall the bill pass?

The ayes and noes being requested by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Brady, Bramwell, Brown of L., Carter, Clark, Colerick, Craig, Crume, Davenport, Davis, De Pauw, Dorsey, Dunn, Dunning, English, Evans, Fairman, Fields, Fowler, Gookins, Guard, Hardesty, Hargrove, Howell, Hughes, Huntington, Jones, Kelso, Kiser, Leslie, Levenworth, Monroe, Moore, Nichols, Parker, Piercy, Smith of R., Stafford, Steele, Stuart, Thornberry, Vance, Vandever, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D., and Yocom—51.

*And those who voted in the negative, are*

Messrs. Beem, Bigger, Brackenridge, Bradbury, Edwards, Ferguson, Foster, M'Donald, Noble, Reid, Smith of F., Smith of K., Snapp, Stanford, Thompson, Wallace, Willett, and Palmer, Speaker—18.

So said bill passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Kelso,

The several orders of the day which precede the bill extending the jurisdiction of justices of the peace in actions of trespass and

replevin to \$50, were for the present postponed, and the House proceeded to the consideration of said bill;

Thereupon,

On motion of Mr. Kelso,

The committee of the whole House to which said bill was committed were discharged from the further consideration thereof.

Mr. Willett moved to amend the bill by extending the jurisdiction of justices in the aforesaid actions to \$100.

A motion was made by Mr. Wallace to recommit the bill to a committee of the whole House;

Which motion did not prevail.

Mr. Evans moved to amend the amendment proposed by Mr. Willett by giving justices jurisdiction in actions of slander and for breach of marriage contract;

Which motion was lost.

The question was then put on the amendment moved by Mr. Willett,

And decided in the negative.

On motion of Mr. Kelso,

The words "vi et armis and on the case," were inserted after the word "trespass."

Mr. Evans moved to add after the last amendment these words, "and to real property;"

Which motion was decided in the negative.

It was thereupon ordered that said bill be engrossed and read a third time to-morrow.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER:

The Senate recedes from their first amendment to the joint resolution of the House praying relief for William Bilsland, and concur in the amendment of the House to the proposed amendments of the Senate to the engrossed bill of the House entitled an act for incorporating the Wabash manual labor college and teachers' seminary.

Mr. Foster, after having obtained leave, presented a bill to amend an act entitled an act to locate a state road from Anderson-town in Madison county to Logansport in Cass county, approved February 2, 1833;

Which was read the first time and passed to a second reading.

Mr. Bramwell, after having obtained leave, presented a bill to amend an act entitled an act to authorize the vacation of towns, approved February 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Crume, after having obtained leave, presented a bill declaring the road leading from Connersville to Milton a state road;

Which was read the first time and passed to a second reading.

Mr. Leslie having obtained a suspension of the orders of the

day for that purpose, moved the following resolution, which was read and adopted, to-wit:

*Resolved*, That a committee be appointed to ascertain as far as practicable the quantity of land in the old land office districts in this state belonging to the United States; the number of freeholders in the counties situated in those districts; the number of persons not having freeholds who pay taxes, and such information as to the practicability of enabling persons to become freeholders, who are now prevented wholly by their poverty; with leave to report by bill or otherwise.

*Ordered*, That Messrs. Leslie, Wilson, and Smith of Fayette be that committee.

On motion of Mr. Howell,

The several orders of the day which precede the engrossed bill from the Senate to incorporate the Perry county seminary, were for the present postponed, and the House proceeded to consider said bill.

The committee of the whole to which the same was committed were thereupon discharged from its further consideration.

*Ordered*, That said bill be read a third time to-morrow.

Mr. Kilgore moved that the House do now resolve itself into a committee of the whole on the joint resolution relative to the public lands;

Which motion did not prevail.

On motion of Mr. Willett, (the orders of the day having been postponed for that purpose,)

The report of the committee of ways and means relative to an increase of the pay of the Speaker of the House of Representatives and President of the Senate, heretofore laid on the table, was taken up.

The question was then put on the pending motion to recommit said report to a select committee with instructions to report a bill in pursuance of the object;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bradbury, Bramwell, Brown of T., Dunn, Evans, Gookins, Hughes, Huntington, Kelso, Kilgore, Leslie, M'Bean, M'Donald, Monroe, Nichols, Noble, Parker, Pearson, Smith of K., Snapp, Steele, Thornberry, Wallace, Willett, Wilson, and Wright of P.—24.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Bigger, Brady, Brown of L., Carter, Clark, Craig, Crume, Davenport, Davis, De Pauw, Dorsey, Dunning, Edwards, English, Fairman, Ferguson, Fields, Foster, Fowler, Guion, Hargrove, Howell, Jones, Moore, Piercy,



Reid, Smith of F., Smith of R., Stafford, Stanford, Vance, Vandever, Williams, Woodruff, Wright of P. and D., Yocom, and Palmer, Speaker—41.

So said motion was decided in the negative.

And on the question to concur in the said report of the committee of ways and means,

It passed in the affirmative.

Mr. Wallace moved to postpone the previous orders of the day and take up the resolution heretofore moved by him and laid on the table, relative to the appointment of deputy postmaster generals at the seats of government of the several states;

Which motion did not prevail.

Mr. Evans moved to postpone the orders of the day and to take up the engrossed joint resolution from the Senate relative to the appointment of officers of the General Government to offices in Indiana, heretofore laid on the table;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Bramwell, Brown of L., Colerick, Davenport, Edwards, Evans, Fairman, Fowler, Gookins, Guard, Guion, Hughes, Jones, Kelso, Leslie, Levenworth, M'Donald, Parker, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Thompson, Thornberry, Vance, Wallace, Willett, and Wilson—36.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Brady, Brown of T., Carter, Clark, Craig, Crume, Davis, De Pauw, Dorsey, Dunn, Dunning, English, Ferguson, Fields, Foster, Hardesty, Hargrove, Howell, Huntington, Kilgore, Kiser, M'Bean, Monroe, Moore, Nichols, Noble, Pearson, Piercy, Stuart, Vandever, Williams, Woodruff, Wright of P., Wright of P. and D., Yocom, and Palmer, Speaker—38.

So said motion was decided in the negative.

Thereupon,

Mr. Huntington moved that the House do reconsider the last mentioned vote; and

Pending the question thereon,

The House adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, JANUARY 15, 1834.

The House met pursuant to adjournment.

Mr. De Pauw presented a petition of Henry D. Palmer and others praying a state road from Carlisle to Terre Haute;

Which was read and referred to a select committee of Messrs. De Pauw, Huntington and Yocom.

Mr. Gookins presented a petition of Lewis Jones and others, praying a relocation of a state road from Newport to a certain point on the northern boundary line of Vermillion county, accompanied with certain other documents relative to the same subject;

Which were read and referred to a select committee of Messrs. Gookins, Pearson and Clark.

Mr. Pearson presented a remonstrance of sundry persons against the prayer of the last named petition &c.;

Which was read and referred to the same select committee.

Mr. Wright of P. presented a petition of Thomas Faith and others, praying a state road from Montezuma to Lebanon;

Which was read and referred to the committee on roads.

Mr. Nichols presented a petition of Polley Vanoy, praying to be divorced from her husband Joseph Vanoy;

Which was read and referred to a select committee of Messrs. Nichols, Stafford and Davenport.

Mr. Stuart presented a petition of James Keigwin and others, praying a law regulating the practice of physic and surgery;

Which was read and referred to a select committee of Messrs. Stuart, Kiser and Fairman.

Mr. Steele made the following report, which was read and concurred in:

The committee on roads to which was referred the petition and remonstrance of sundry citizens of the counties of Putnam and Clay, praying a change in the state road from Manhattan to Bowlinggreen, have had the same under consideration, and deem it inexpedient to further legislate upon the same at this time.

Mr. Brady from the committee on roads to which was referred the petition of sundry persons, citizens of Clay county, reported a bill to locate a certain state road therein named;

Which was read the first time and passed to a second reading.

Mr. Brady from the committee on roads made the following report, which was read and concurred in:

The committee on roads to whom was referred a resolution on the subject of appointing five road reviewers in certain cases, have according to order had the same under consideration and have directed me to report that it is inexpedient to legislate on that subject at this time.

Mr. Brown of T. made the following report:

The select committee to whom was referred the petition of Benjamin Reynolds and others, praying the formation of a new

county out of the territory north of Tippecanoe and west of Carroll, have had that subject under consideration, and now report, a bill for the formation of Tecumseh county;

Which was twice read (the rules of the House having first been dispensed with) and committed to a committee of whole House for to-morrow.

Mr. Howell from the select committee to which was referred a petition of sundry persons of Perry and Spencer counties on that subject, reported a bill to appoint commissioners on the state road from Fredonia to the mouth of the Wabash river and for other purposes;

Which was twice read (the rules of the House being dispensed with) and ordered to be engrossed and read a third to-morrow.

Mr. Dunning from the joint committee of enrolled bills report, that they have compared the enrolled with the engrossed bill of the House of Representatives entitled an act as follows:

An act to change a part of the state road leading from New-York in Switzerland county, to intersect the state road leading from Vevay in said county to Versailles in Ripley county,

And find the same truly enrolled.

Whereupon,

The Speaker signed said bill.

*Ordered*, That the clerk carry it to the Senate for the signature of their President.

Mr. English from the joint committee of enrolled bills now report, that they did on this day compare the enrolled with the engrossed bill and memorial and joint resolution as follows:

An act for incorporating the Wabash manual labor college and teachers Seminary;

A memorial and joint resolution of the Legislature of the State of Indiana praying relief for William Bilsland,

And find them truly enrolled.

Whereupon,

The Speaker signed said bill and joint resolution-

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

Mr. Colerick from the select committee to which was committed the bill to amend an act relative to crime and punishment, approved Feb. 10, 1831, reported the same back to the House without amendment, when

On motion of Mr. Bigger,

It was committed to a committee of the whole House for to-morrow.

Mr. Howell from the select committee to which was committed the bill to authorize the collector of the several counties in this state to collect a tax on non-resident covering horses, reported the same with sundry amendments;

Which were read and concurred in.



The bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Stafford from the select committee to which was referred a petition on that subject, reported a bill to locate a state road from Lyon's mills to Morgantown in Morgan county.

Which was read the first time and passed to a second reading.

On motion of Mr. Craig,

The several orders of the day which precede the bill to amend an act entitled an act regulating the jurisdiction and duties of justice of the peace, approved Feb. 10, 1831, were postponed and the House proceeded to the consideration of said bill.

Whereupon, Mr. Willet withdrew his proposed amendment to the same, "which was to strike out all the counties named therein," and make the law general, which motion was pending at the adjournment on Monday last, when said bill was last under consideration.

Mr. Nichols moved to further amend the same, by extending the provisions thereof to the county of Hendricks;

Which motion passed in the affirmative,

And then the House adjourned until 2 o'clock P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment.

Mr. English moved to postpone the previous orders of the day, and that the House now proceed to the consideration of the bill establishing a state bank;

Which motion did not prevail.

The House then resumed the consideration of the bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831, pending at the adjournment on this day.

Mr. Brackenridge moved further to amend said bill by adding an additional section, as follows:

SEC. That the board of commissioners of the county of Warwick shall hereafter have the power either to select or not, grand and petit jurors, or either at their discretion;

Which motion was decided in the negative.

Mr. Kilgore moved to amend the bill by adding the following as an additional section:

SEC. The probate business of the county of Delaware, be and the same is hereby transferred to the circuit court of said county of Delaware, and it shall be the duty of said circuit court to do and exercise all the powers and duties of a probate court in transacting the said business, agreeably to the provisions of the existing laws of this state, any laws to the contrary notwithstanding.

Mr. English moved to amend said amendment by extending the provisions thereof to the county of Scott,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Brackenridge, Bramwell, Brown of L., Brown of T., Crume, De Pauw, English, Evans, Fowler, Guard, Guion, Hardesty, Hargrove, Huntington, Kilgore, Leslie, Levenworth, M'Bean, Moore, Pearson, Piercy, Smith of F., Smith of K., Smith of R., Snapp, Steele, Stuart, Thompson, Thornberry, Wallace, Wilson, Woodruff, Wright of P. and D., and Palmer Speaker—36.

*And those who voted in the negative, are*

Messrs. Beem, Bradbury, Brady, Carter, Clark, Craig, Davenport, Davis, Dorsey, Dunn, Dunning, Edwards, Fairman, Ferguson, Fields, Foster, Gookins, Howell, Jones, Kelso, Kiser, M'Donald, Momoe, Nichols, Parker, Stafford, Vandever, Wright of P., and Yocom—29.

So said motion passed in the affirmative.

The question recurring on the amendment moved by Mr. Kilgore as amended,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Brackenridge, Brady, Bramwell, Brown of T., Crume, Davenport, English, Evans, Fowler, Guard, Hardesty, Huntington, Kilgore, Levenworth, M'Bean, Pearson, Smith of F., Smith of K., Smith of R., Snapp, Steele, Thompson, Thornberry, Wallace and Woodruff—27.

*And those who voted in the negative, are*

Messrs. Beem, Bradbury, Brown of L., Carter, Clark, Craig, Davis, De Pauw, Dorsey, Dunn, Dunning, Edwards, Fairman, Ferguson, Fields, Foster, Gookins, Guion, Hargrove, Howell, Jones, Kelso, Kiser, Leslie, M'Donald, Monroe, Moore, Nichols, Parker, Piercy, Reid, Stafford, Stanford, Stuart, Vandever, Willett, Wilson, Wright of P., Wright of P. and D., Yocom and Palmer, Speaker—41.

So said motion was decided in the negative.

Mr. Brady moved to extend the provisions of the bill to Jefferson county;

Which motion prevailed.

Mr. Brackenridge moved further to amend the bill by adding the following as an additional section, to wit:

"Sec That should the associate judges of Warrick county certify to the board doing county business, that the business of the circuit court does not require that a grand and petit jury, or that either should be selected and summoned for any term of the circuit court; it shall not be the duty of said board of justices to summon a grand and petit jury for said term, or they may in their discretion at any time omit to select and summon a petit jury for any term of the circuit courts;"

Which motion was decided in the negative.

Mr. Evans moved to add the following as an additional section to the bill, viz:

"Sec. That the justices courts in said counties shall be and they are hereby declared courts of record;"

Which motion did not prevail.

On motion of Mr. Baber,

Said bill was further amended by including Greene county in its provisions.

Debate arising,

Mr. Bigger, thereupon, moved the previous question, which was seconded by two members, and was thereupon put, to wit:

Shall the main question be now put?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bigger, Brady, Bramwell, Brown of L., Carter, Clark, Craig, Davenport, Davis, De Pauw, Dunning, English, Fairman, Fields, Foster, Fowler, Gookins, Guion, Hardesty, Hargrove, Howell, Jones, Kelso, Kiser, Leslie, M'Bean, Monroe, Moore, Nichols, Piercy, Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Thompson, Thornberry, Vandever, Wallace, Willett, Wilson, Woodruff, Wright of P., Wright of P. and D., Yocom and Palmer, Speaker—50.

*And those who voted in the negative, are*

Messrs. Bennett, Brackenridge, Bradbury, Brown of T., Crume, Dorsey, Dunn, Edwards, Evans, Ferguson, Guard, Huntington, Kilgore, Levenworth, M'Donald, Parker, Pearson, Reid, and Smith of F.—19.

So said previous question passed in the affirmative.

The said main question was then put, to wit:

Shall the bill be engrossed and read a third time to-morrow?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Brady, Brown of L., Brown of



T., Carter, Clark, Craig, Davenport, Davis, De Pauw, Dunning, English, Fairman, Fields, Guion, Hargrove, Kiser, Leslie, Levenworth, M'Bean, Monroe, Moore, Nichols, Piercy, Smith of R., Stafford, Vandever, Wilson, Woodruff, Wright of P., Wright of P. and D., and Yocom—34.

*And those who voted in the negative, are*

Messrs. Bennett, Bigger, Brackenridge, Bradbury, Bramwell, Crume, Dorsey, Dunn, Edwards, Evans, Ferguson, Foster, Fowler, Gookins, Guard, Hardesty, Howell, Huntington, Jones, Kilgore, M'Donald, Parker, Pearson, Reid, Smith of F., Smith of K., Snapp, Stanford, Steele, Thompson, Thornberry, Wallace, Willett, and Palmer, Speaker—34.

So said bill was rejected.

The House resumed the consideration of the bill establishing a state bank, depending at the adjournment of the House on the evening of 13th inst.

The question recurring on the amendments reported thereto by the committee of the whole House, it was taken on them severally.

Mr. Kelso moved to amend the 26th amendment in that clause thereof which provides that the pay of the state directors shall not be less than the per diem allowance of members of the General Assembly, by striking out the word "less" and inserting the word "more;"

Which motion did not prevail.

The said amendment was then agreed to.

Mr. Dunn moved to amend 45th amendment by inserting the word "gradually" before the word "discharge;"

Which motion prevailed,

And as amended, the said 45th amendment was thereupon agreed to.

The 49th amendment was read and is as follows:

"And to the 4th rule in the the 79th section of the bill, the following: "nor shall the president, cashier, or any directors of the state bank, or the president, cashier or any of the director of either of the branches at any time become indebted in bank, either by endorsement or otherwise to a greater amount than double the amount of stock which he may own in said bank."

And on the question to concur therein,

The ayes and noes being requested by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Bennett, Bigger, Brackenridge, Bramwell, Carter, Clark, Crume, Dorsey, Dunning, Edwards, Ferguson, Fields, Hardesty, Hargrove, Howell, Jones, Kilgore, Leslie, M'Donald, Moore, Nichols, Noble, Piercy, Reid, Stanford, Steele, Vandever, Wilson and Wright of P. and D.—30.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Brady, Brown of L., Brown of T., Colerick, Craig, Davenport, Davis, De Pauw, Dunn, English, Evans, Fairman, Foster, Fowler, Gookins, Guard, Guion, Huntington, Kelso, Kiser, Levenworth, M'Bean, Monroe, Parker, Pearson, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stuart, Thompson, Thornberry, Wallace, Willett, Woodruff, Wright of P., Yocom and Palmer, Speaker—41.

So the House disagreed to said 49th amendment.

The 51th amendment was read and is as follows:

In the 64th section of the bill after the first clause thereof, to wit: "five directors with the President, shall be necessary to constitute a board for the transaction of business," insert the following: "of whom, one shall always be a director chosen by the state."

Mr. Brackenridge moved to amend said amendment, by striking it out, and inserting in lieu thereof the following:

"The business shall be transacted in the absence of all the members of the board elected by the state bank directors, unless they absent themselves after notice duly given them of the time and place of such meeting, or unless the meeting is held by a regular adjournment, from a sitting of the said board, at which two of the directors on the part of the state bank shall have been present."

Which motion passed in the affirmative.

The question recurring on the said 54th amendment as amended,

It was thereupon put,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bennett, Bigger, Brackenridge, Bradbury, Carter, Crume, Dorsey, Edwards, Ferguson, Fields, Hargrove, Howell, Kelso, Kilgore, Leslie, Levenworth, M'Bean, McDonald, Moore, Noble, Parker, Piercy, Reid, Stafford, Stanford, Steele, Vandever, Willett, Wilson, Wright of P. & D., and Palmer Speaker—31.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Craig, Davenport, Davis, Dunn, English, Evans, Fairman, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Huntington, Jones, Kiser, Monroe, Nichols, Pearson, Smith of F., Smith of K., Smith of R., Snapp, Stuart,

Thompson, Thornberry, Wallace, Woodruff, Wright of P. and Yocom—39.

So the House disagreed to said 54th amendment, as amended.

The residue of the amendments reported by the committee of the whole House,

Were severally read and agreed to.

Mr. Bigger moved further to amend the bill, by adding the following as an additional section, to wit:

SEC. The collectors of the state revenue in the different counties in this state, shall at all times be bound to receive the notes of said bank in payment of all state taxes.

A motion was made by Mr. Thompson, to amend said amendment by inserting after the word "bank," these words—"at their par value;"

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Brackenridge, Brown of L., Carter, Craig, De Pauw, Evans, Ferguson, Fields, Hardesty, Hargrove, Howell, Kiser, Leslie, Levenworth, McDonald, Smith of R., Thompson, Vandever, Wilson, and Wright of P. & D.—21.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Bennett, Bigger, Bradbury, Brady, Bramwell, Brown of T., Clark, Colerick, Crume, Davenport, Davis, Dorsey, Dunn, Edwards, English, Fairman, Foster, Fowler, Gookins, Guard, Guion, Huntington, Jones, Kelso, Kilgore, M'Bean, Monroe, Moore, Nichols, Noble, Parker, Pearson, Piercy, Reid, Smith of F., Smith of K., Snapp, Stafford, Stanford, Steele, Stuart, Thornberry, Wallace, Willett, Woodruff, Wright of P., Yocom, and Palmer, Speaker—50.

So said motion was decided in the negative.

The question recurred on the amendment moved by Mr. Bigger,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bigger, Brackenridge, Carter, Clark, Colerick, Craig, Crume, Davenport, De Pauw, Edwards, Ferguson, Fields, Foster, Hardesty, Hargrove, Howell, Kelso, Kilgore, Kiser, Leslie, Levenworth, McDonald, Moore, Nichols,



Piercy, Smith of F., Smith of R., Steele, Thompson, Vandever, Willett, Wilson, and Wright of P. and D.—36.

*And those who voted in the negative, are*

Messrs. Angle, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Davis, Dorsey, Dunn, English, Evans, Fairman, Fowler, Gookins, Guard, Guion, Huntington, Jones, M'Bean, Monroe, Noble, Parker, Pearson, Reid, Smith of K., Snapp, Stafford, Stanford, Stuart, Thornberry, Wallace, Woodruff, Wright of P., Yocom and Palmer, Speaker—35.

So said motion to amend passed in the affirmative.

Mr. Hargrove moved to amend the first section of the bill as follows:

Strike out the words "state bank with ten branches," and insert "state bank and five branches, provided, however, that the Legislature may at any future session, if the public good require it, have power to establish other branches; but the Legislature shall not at any future time, establish more than five additional branches, nor more than one branch in any one year."

Mr. Fairman called for a division of the question.

The first branch thereof was thereupon put, on striking out the words "state bank with ten branches,"

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bennett, Bigger, Bradbury, Carter, Craig, Crume, Davenport, Dunning, Edwards, Ferguson, Gookins, Hardesty, Hargrove, Howell, Jones, Kelso, Kilgore, Leslie, Levenworth, M'Donald, Moore, Noble, Piercy, Reid, Smith of F., Smith of R., Stafford, Stanford, Steele, Thompson, Vandever, Willett, Wilson, and Wright of P. and D.—35.

*And those who voted in the negative, are*

Messrs. Angle, Brackenridge, Brady, Bramwell, Brown, of L., Brown of T., Clark, Colerick, Davis, De Pauv, Dorsey, Dunn, English, Evans, Fairman, Fields, Foster, Fowler, Guard, Guion, Huntington, Kiser, M'Bean, Monroe, Nichols, Parker, Pearson, Smith, of K., Snapp, Stuart, Thornberry, Wallace, Woodruff, Wright of P., Yocom and Palmer, Speaker—36.

So said motion was decided in the negative.

Mr. Crume moved to amend the following clause in the 22d section, to wit: "no note shall be issued of a less denomination than five dollars," by striking out therefrom the last two words, and inserting in lieu thereof, the words "one dollar."

And after debate, and before a decision was had thereon,

The House adjourned until to-morrow morning at 9 o'clock.

## THURSDAY MORNING, JANUARY 16, 1834.

The House met pursuant to adjournment,

And proceeded to consider the following message received from the Senate on yesterday, by Mr. Morrison their Assistant Secretary:

MR. SPEAKER:

The Senate has concurred in the amendments of the House of Representatives, to bills of the following titles, viz:

An act to authorise an asylum for the poor of the counties of Franklin, Fayette and Union;

An act to establish a state road from Bedford in Lawrence county, via Washington in Daviess county, to the rapids of the Wabash river, at or near the mouth of White river; and

An act declaring certain roads therein named state roads.

The Senate has disagreed to the amendments of the House, to the bill entitled

An act to locate a state road from Greencastle in Putnam county via New Maysville, Jamestown, and Lebanon in Boone county, to the Michigan road in Clinton county:

The Senate has also passed engrossed bills and a joint resolution of the House, entitled as follows, viz:

An act for the relief of the heirs of John Horlock, late of the county of Rush, dec'd.;

An act changing the time of holding the circuit courts in the county of Madison;

The latter bill with several amendments, in which the concurrence of the House is requested; and

A joint resolution relative to the 3 per cent. fund;

The Senate has also passed a joint resolution, in which the concurrence of the House is requested, entitled

A joint resolution in relation to horses lost by the rangers raised under the act of Congress of June 15, 1832, for the defence and protection of the north western frontier of the United States.

Mr. Hardesty moved that the House do recede from their first amendment to the bill of the Senate fourthly above named,

Which motion was decided in the negative; and

On motion of Mr. Davenport,

The House insisted on their several amendments to said bill.

Messrs. Davenport and Nichols were appointed a committee of free conference on the part of the House to take into consideration, with a similar committee to be appointed on the part of the Senate, the disagreeing vote of the two Houses on the subject of said amendments.

*Ordered*, That the Clerk inform the Senate thereof.

The House concurred in the several amendments made by the Senate to the bill of the House secondly in said message named.

*Ordered*, That the Clerk do acquaint the Senate therewith.

The joint resolution of the Senate named in said message, was twice read (the rules of the House having first been dispensed with,) when

Mr. Evans moved to amend that clause thereof which provides that our Senators in Congress be requested, and our Representatives instructed, &c. by transposing the aforesaid words "requested," and "instructed";

Which motion passed in the affirmative.

*Ordered*, That said amendment be engrossed and the joint resolution read a third time to-morrow.

Mr. Dunning from the joint committee on enrolled bills reported that they did, on the 15th inst., present to His Excellency, the Governor, for his approval and signature, the following enrolled bills entitled acts, (to-wit:)

An act incorporating the Wabash manual labor college, and teacher's seminary;

An act to change a part of the state road leading from New York, in Switzerland county, to intersect the state road leading from Vevay, in said county, to Versailles, in Ripley county, and

A memorial and joint resolution of the state of Indiana, praying relief for William Bilsland.

On motion of Mr. Dunn,

The several orders of the day which precede the bill establishing a state bank, were for the present postponed and the House proceeded to consider said bill.

The question recurring on the pending motion of Mr. Crume to strike out "five dollars" in the 22d section and inserting in lieu thereof the words "one dollar."

Mr. Stanford thereupon moved to amend said motion by adding to the proposed amendment this proviso: "*Provided*, That the Legislature at any time shall have the power to prohibit the issuing of notes of a less denomination than five dollars;"

Which was accepted by Mr. Crume as a modification of his motion.

Mr. Willett moved to amend said amendment by striking out the word "five" in said proviso and inserting the word "ten."



Mr. Evans called for a division of the question, the first branch thereof was thereupon put, to-wit: on striking out,  
And decided in the negative.

The question recurring on the motion of Mr. Crume as modified,

Mr. Bigger called for a division of the question.

Mr. Crume moved to amend his proposed amendment by adding thereto the following, "by and with the consent of the bank;"

Which motion did not prevail.

The question was then put on striking out the words "five dollars."

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative are,*

Messrs. Angle, Baber, Carter, Clark, Crume, Davenport, Fairman, Ferguson, Gookins, Guard, Guion, Jones, Kilgore, Piercy, Smith of F., Smith of K., Stanford, Steele, Stuart, Thompson, Vandever, Wilson, and Wright of P. & D.—23.

*And those who voted in the negative are,*

Messrs. Beem, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Colerick, Craig, Davis, De Pauw, Dorsey, Dunn, Edwards, English, Evans, Fields, Foster, Fowler, Hardesty, Hargrove, Howell, Hughes, Huntington, Kelso, Kiser, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Moore, Nichols, Parker, Pearson, Reid, Smith of R., Snapp, Stafford, Thornberry, Vance, Wallace, Willett, Williams, Woodruff, Wright of P., Yocom, and Palmer, Speaker—49.

So said motion was decided in the negative.

Mr. Kelso moved to amend the second section of said bill by striking out so much as relates to the the formation of districts, and inserting in lieu thereof a provision giving the directors of the state bank the power of establishing the branches at such place as they may deem expedient, and that the public good may require.

Mr. Huntington called for a division of the question:

The first branch thereof was thereupon put to-wit: on striking out as proposed by Mr. Kelso,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bigger, Carter, Crume, Dunning, Evans, Howell, Hughes, Kelso, Kilgore, Leslie, Levenworth, M'Bean,

M'Donald, Moore, Noble, Parker, Piercy, Smith of F., Stafford, Stuart, Thompson, Vandevveer, Willett, Wilson, Wright of P. & D. and Palmer, Speaker—28.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Craig, Davenport, Davis, De Pauw, Dorsey, Dunn, Edwards, English, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guion, Hardesty, Hargrove, Huntington, Jones, Kiser, Monroe, Nichols, Pearson, Reid, Smith of K., Smith of R., Snapp, Stanford, Steele, Thornberry, Vance, Wallace, Williams, Woodruff, Wright of P., and Yocom—46.

So said motion was decided in the negative.

Mr. Thompson moved further to amend said bill as follows:

Amend the 1st section by striking out the words "with ten branches," and insert the words "in the town of Indianapolis, in the county of Marion, with a capital of one million six hundred thousand dollars," and at the end of the section these words, "and there is also hereby created and established five branches of said bank with a capital of two hundred thousand dollars each, to be created out of the capital of said state bank as hereinafter provided for."

Mr. Bigger moved to amend said proposed amendment by striking out the words "one million six hundred thousand dollars" and inserting in lieu thereof "\$500,000 reserving to the Legislature the power to increase the same;"

Which motion was decided in the negative.

The question then recurred on the motion of Mr. Thompson.

Mr. Brown of T. called for a division of the question, and was thereupon put on the first branch thereof, to-wit: on striking out,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Bradbury, Carter, Craig, Crume, Dunning, Edwards, Ferguson, Hargrove, Howell, Kelso, Kilgore, Leslie, Levenworth, M'Bean, M'Donald, Moore, Noble, Parker, Piercy, Reid, Smith of F., Steele, Thompson, Vandevveer, Willett, Wilson, Woodruff and Wright of P. & D.—29.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Bigger, Brackenridge, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Davenport, Davis, De

Pauw, Dorsey, Dunn, English, Evans, Fairman, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hughes, Huntington, Jones, Kiser, Monroe, Nichols, Pearson, Smith of K., Smith of R., Snapp, Stafford, Stanford, Stuart, Thornberry, Vance, Wallace, Williams, Wright of P., Yocom and Palmer, Speaker—45.

So said motion was decided in the negative.

And then the House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Nichols moved to reconsider the vote taken on the adoption of the following amendment offered by Mr. Bigger on yesterday.

SEC. The collectors of the state revenue in the different counties in this state shall at all times be bound to receive the notes of said bank in payment of all state taxes.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Davis, Dorsey, Dunn, English, Evans, Fairman, Fowler, Gookins, Guard, Hughes, Huntington, Jones, Kelso, Leslie, M'Bean, Monroe, Nichols, Noble, Parker, Pearson, Reid, Smith of K., Snapp, Stafford, Stanford, Stuart, Thornberry, Vance, Wallace, Williams, Wright of P. and Palmer, Speaker—38.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Bigger, Carter, Clark, Colerick, Craig, Crume, Davenport, Dunning, Edwards, Ferguson, Fields, Foster, Guion, Hardesty, Hargrove, Howell, Kilgore, Kiser, Levenworth, M'Donald, Moore, Piercy, Smith of F., Smith of R., Thompson, Vandever, Willett, Wilson, Woodruff, Wright of P. & D., and Yocom—35.

So said motion was decided in the affirmative.

The question then recurred on the adoption of said proposed amendment,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bennett, Bigger, Carter, Clark, Colerick, Craig, Crume, Davenport, Dunning, Edwards, Ferguson, Fields,



Hardesty, Hargrove, Howell, Kilgore, Kiser, Leslie, Levenworth, M'Donald, Moore, Noble, Piercy, Smith of R., Thompson, Vandever, Willett, Wilson, Wright of P. and D., and Yocom—32.

*And those who voted in the negative, are*

Messrs. Angle, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Davis, Dorsey, Dunn, English, Evans, Fairman, Foster, Fowler, Gookins, Guard, Guion, Hughes, Huntington, Jones, Kelso, M'Bean, Monroe, Nichols, Parker, Pearson, Reid, Smith of K., Snapp, Stafford, Stanford, Stuart, Thornberry, Vance, Wallace, Williams, Woodruff, Wright of P., and Palmer, Speaker—40.

So said motion was decided in the negative.

On motion of Mr. Colerick,

The vote taken on concurring in the amendment made in committee of the whole to the 3d section of said bill, was reconsidered.

Mr. Colerick thereupon moved to amend said amendment by striking it out and inserting the following in lieu thereof, to-wit:

"Sec. 3d. It shall be the duty of the directors of the state bank, after the expiration of one year, to locate an additional branch of said bank within the following described district of country, to-wit: beginning at the north east corner of St. Joseph county, thence east to the north east corner of the state, thence south along the state line to the north east corner of Randolph county, thence west along the northern boundaries of the counties of Randolph, Delaware, and Madison; thence to the south west corner of Miami county; thence along the western boundary line of Miami county; thence to the place of beginning; including the counties of Grant, Miami, Wabash, Huntington, Allen, Lagrange, and Elkhart. And after the expiration of three years, or sooner if the said directors deem the same expedient, to locate an additional branch of said bank within the following bounded district of country, to-wit: commencing at the north west corner of the state; thence east along the state line to the north east corner of St. Joseph county; thence south along the western boundary of the district aforesaid and the eastern boundary of Cass county to the south east corner of said county; thence westwardly and northwardly following the boundary lines of said county of Cass to the north west corner of said county; thence west to the western boundary of the state; thence north to the place of beginning: and like proceedings shall be had in organizing the said two branches as are herein prescribed for organizing the other branches: and the state stock therein shall be paid out of the sinking funds of the state; but if there should not be a sufficiency of said funds, then the funds for establishing the said two branches shall be obtained and procured in the same manner as is herein provided for establishing the other branches of said state bank."

And the question being put on amending said amendment as proposed,

It passed in the affirmative.

The said amendment, as amended, was then concurred in by the House,

On motion of Mr. M'Bean,

The said bill was further amended by striking out the county of Cass from the 10th district.

On motion of Mr. Colerick,

Said bill was further amended by adding to the fourth section the following:

"Except the two branches provided for in the third section of this act."

On motion of Mr. Dunn,

The twenty-sixth section was amended by adding to it the following:

"And when any agent as aforesaid shall find and report, or the Governor of the state shall have reason to believe that the charter has been violated, it may be lawful for the legislature to direct or the Governor to order a scire facias to be sued out of the Marion circuit court in the name of the state, (which shall be executed, upon the President of the state bank for the time being, at least fifteen days before the commencement of the term of said court, calling on the said corporation to shew cause wherefore the charter hereby granted shall not be declared forfeited; and it shall be lawful for the said court, upon the return of said scire facias, to examine into the truth of the alleged violation; and if such violation be made appear, then to pronounce and adjudge that the said charter is forfeited and annulled, and every issue of facts which shall arise in such proceeding and may be joined between the state and the corporation aforesaid, shall be tried by jury; and it shall be lawful for the court aforesaid, to require the production of such of the books of the corporation as it may deem necessary for the ascertainment of the controverted facts; and the final judgment of the court aforesaid shall be examinable in the Supreme court of the state by writ of error, and may be there reversed or affirmed according to the usages of law; and it shall be the duty of the Governor to employ counsel on behalf of the state to prosecute such writ of fieri facias.

Mr. Carter moved to further amend the bill by adding to the 12th section the following:

That the president, cashier, directors and stockholders of the state bank and its branches shall be liable for all or any of the notes or debts of the said bank and branches in their individual capacities by a joint or several actions of debt against them or any of them, their heirs, executors or administrators, in any court having jurisdiction thereof, by any creditor or creditors of the said bank or branches, and may be prosecuted to judgment and execution; which judgment so obtained against the president, cashier,

directors and stockholders, or any of them, shall operate as a lien upon all their real and personal property jointly and severally, and shall operate as a lien upon all the real and personal property of the said corporation.

On motion of Mr. Hargrove,

Said proposed amendment was amended by inserting after the word "liable" in the third line the following: "in proportion to the amount of stock held by each."

The question was then put on the said proposed amendment as amended;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Bramwell, Carter, Craig, Crume, Dunning, Ferguson, Hardesty, Hargrove, Howell, Kelso, Kilgore, Kiser, Moore, Noble, Parker, Reid, Smith of R., Stanford, Thompson, Vance, Vandever, Willett, Wilson, Woodruff, Wright of P. and D., and Yocom—27.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Bigger, Brackenridge, Bradbury, Brady, Brown of L., Brown of T., Clark, Colerick, Davis, De Pauw, Dorsey, Dunn, Edwards, English, Evans, Fairman, Foster, Fowler, Gookins, Guard, Guion, Hughes, Huntington, Jones, Leslie, Levenworth, M'Bean, M'Donald, Nichols, Pearson, Smith of F., Smith of K., Snapp, Stafford, Stuart, Thornberry, Wallace, Williams, Wright of P., and Palmer, Speaker—12.

So said motion was decided in the negative.

On motion of Mr. Wilson,

The 6th section of said bill was amended as follows: after the word "sale" in the 14th line insert, "after having given thirty days' notice of such sale, describing the property so to be sold and the name of the mortgager in at least one newspaper in the district where said bank is situate, and placing three written notices in the most public places in the town where the bank is located."

Mr. Howell moved further to amend the bill by striking out the 37th section and inserting in lieu thereof the following:

Sec. The directors of the branches, collectively, shall at such place in the town of Indianapolis, and at such time, prior to the commencement of the operations of said branches, or any of them, as may be appointed by the Governor, and annually thereafter, elect four directors for the state bank, who shall be entitled to the same compensation fixed for directors of said bank on the part of the state.

Any vacancy in the office of director, for the state bank, on the part of the branches, shall be filled by election of the directors of



the branches, collectively, at the place of holding the annual elections; and it is hereby made the duty of the board of directors of the state bank, immediately after the happening of such vacancy, to fix the time of said election, which shall be not less than thirty, nor more than sixty days thereafter, and of which immediate notice shall be given by publication in the newspapers printed at Indianapolis.

Mr. Evans called for a division of the question, and the first branch thereof being put, to-wit, on striking out the thirty-seventh section,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Carter, Craig, Crume, Dunning, Edwards, Ferguson, Hardesty, Hargrove, Howell, Kilgore, Leslie, Levenworth, Noble, Piercy, Reid, Vandever, Willett, Williams, and Wright of P. and D.—21.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Davenport, Davis, De Pauw, Dorsey, Dunn, English, Evans, Fairman, Fields, Foster, Fowler, Gookins, Guard, Guion, Hughes, Huntington, Jones, Kelso, Kiser, M'Bean, M'Donald, Monroe, Moore, Nichols, Parker, Pearson, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Stuart, Thompson, Thornberry, Vance, Wallace, Wilson, Woodruff, Wright of P., Yocom, and Palmer, Speaker—53.

So said motion was decided in the negative.

On motion of Mr. Dunn,

The 40th section of the bill was amended by inserting the word "may" before the seventh line in said section.

On motion of Mr. Willett,

Said bill was further amended by adding thereto the following as an additional section:

"Sec. The person administering the Government of this state, holding the office of Secretary of State, Treasurer, Auditor of Public Accounts, Commissioner of the canal fund, Judge of the Supreme court, President Judge of any circuit, shall not while in such office, hold the office of President of the state bank, director of the state bank, or president, director, or cashier of any branch."

Mr. Kilgore moved further to amend the bill by adding to the 34th section the following:

"And the president, directors, and cashier of the state bank, and the president, directors, and cashier of each branch, shall at all times be bound to receive at par the paper issued by said state

bank, or any branch thereof, in payment of their salaries or wages due them from said bank or any branch thereof;

And before the question was had thereon,

Mr. Evans moved the previous question which was seconded by two members,

And before the question was had thereon,

The House adjourned until to-morrow morning at 9 o'clock.

## FRIDAY MORNING, JANUARY 17, 1834.

The House met pursuant to adjournment.

On motion of Mr. English,

The vote taken on concurring in the 5th amendment made by the Senate to the engrossed bill of the House, changing the time of holding the circuit courts in the county of Madison, was reconsidered.

Mr. Dorsey, thereupon, moved to amend said 5th amendment of the Senate by striking it out to the word "require" in the 17th line and inserting the following in lieu thereof:

"The courts in the second judicial circuit shall be held on the days following: In the county of Scott on the last Mondays of February and August; in the county of Jackson, on the first Mondays in March and September; in the county of Lawrence, on the second Mondays in March and September; in the county of Orange, on the third Mondays in March and September; in the county of Washington, on the fourth Mondays in March and September; in the county of Harrison, on the second Mondays in April and October; in the county of Floyd, on the fourth Mondays in April and October; in the county of Clark, on the second Mondays in May and November; and shall sit within the above dates, as long as business may require;"

Which motion passed in the affirmative.

The said amendment as amended, was then agreed to by the House.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence in the said amendment of the House.

On motion of Mr. Smith of F.,

Mr. Crume had leave of absence until Friday morning next, owing to sickness in his family.

A message from the Governor by Mr. Maguire his private Secretary:

**MR. SPEAKER:**

His excellency the Governor has approved and signed,  
 An act for incorporating the Wabash manual labor college and teachers Seminary;

An act to change a part of the state road leading from New-York in Switzerland county, to intersect the state road leading from Vevay in said county to Versailles in Ripley county, and

A memorial and joint resolution of the Legislature of the State of Indiana praying relief for William Bilsland,

Which originated in the House of Representatives.

Mr. Dunning from the joint committee of enrolled bills report, that they have compared the enrolled with the engrossed bills of the Senate entitled acts, as follows:

An act to locate a state road from Danville in Hendricks county via Jamestown and Thorntown in Boone county, to intersect the Indianapolis and Lafayette state road, at or near Prairieville in Clinton county;

An act to establish a state road from Bedford in Lawrence county via Washington in Daviess county, to the rapids of the Wabash river at or near the mouth of White river; and

An act to declare certain roads therein named state roads;  
 And find the same truly enrolled.

Whereupon,

The Speaker signed said bills.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

Mr. Bennett from the joint committee of enrolled bills reported that they have compared the enrolled with the engrossed bills entitled acts as follows, to wit:

An act for the relief of the heirs of John Horlock, late of the county of Rush, deceased, and

A joint resolution relative to the three per cent fund;  
 And find them truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

Mr. Thompson presented a petition of George W. S. Bowman agent &c., praying the establishment of a ferry across the Ohio river at Jeffersonville accompanied by sundry papers;

Which were severally read and referred to a select committee of Messrs. Thompson, Stuart and English.

Mr. Kelso presented a petition of George Land and others, praying a change in the militia law of this State;

Which was read and referred to the committee on military affairs.

Also, a remonstrance of Joshua Hains and others, on the subject of a state road;



Which was read and referred to the same select committee to which was heretofore referred a petition on the same subject.

Mr. Angle presented a petition of J. W. Powers and others, praying the incorporation of a company to construct a rail road from Indianapolis to Lafayette;

Which was read and referred to a select committee of Messrs. Angle, Fairman and Nichols.

On motion of Mr. Evans,

The several orders of the day which precede the bill to establish a state bank, were postponed, and the House proceeded to consider said bill.

Mr. Evans withdrew the call for the previous question moved by him and pending at the adjournment of last evening.

The question then recurred on the amendment proposed by Mr. Kilgore to the 34th section of said bill,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Bennett, Bradbury, Carter, Craig, Davis, Dunning, Edwards, Ferguson, Fields, Foster, Hargrove, Howell, Kelson, Kilgore, Kiser, Leslie, Levenworth, M'Donald, Noble, Smith of F., Steele, Thompson, Vandever, Willett, Wilson, Woodruff, Wright of P. and D., and Yocom—29.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Bigger, Brackenridge, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Davenport, De Pauw, Dorsey, Dunn, English, Evans, Fairman, Fowler, Gookins, Guard, Guion, Hardesty, Hughes, Huntington, Jones, Monroe, Moore, Nichols, Parker, Pearson, Smith of K., Smith of R., Snapp, Stafford, Stanford, Stuart, Vance, Wallace, Williams, Wright of P., and Palmer, Speaker—41.

So said motion was decided in the negative.

On motion of Mr. Brown of T.,

The second section of the bill was amended by adding to the 10th district, as follows: "and of the territory lying north of Warren and Tippecanoe and west of Carroll and Cass, to the southern boundary of the north west district."

Mr. Hargrove moved to amend the bill as follows:

Strike out all the latter part of section 90 from the word "and" inclusive in the 7th line, and strike out of the 102d section, the sum of \$1,300,000, and insert in lieu thereof \$800,000.

Pending that question,

On motion of Mr. Fairman,

Said 90th section was amended as follows, by inserting after

the word "be" in the 13th line the words "exclusive of perishable improvements."

The question recurring on the amendment of Mr. Hargrove,

Mr. Smith of K. called for a division of the question, and which was thereupon put on striking out a part of the 90th section, being the first branch of said proposed amendment,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bennett, Bigger, Brackenridge, Carter, Craig, De Pauw, Edwards, Ferguson, Hardesty, Hargrove, Howell, Kelso, Kilgore, Leslie, Levenworth, M'Donald, Noble, Stanford, Steele, Thompson, Vandever, Wilson, and Wright of P. and D.—24.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Davenport, Davis, Dorsey, Dunn, Dunning, English, Evans, Fairman, Fields, Foster, Fowler, Gookins, Guard, Guion, Hughes, Huntington, Jones, Kiser, M'Bean, Monroe, Moore, Nichols, Parker, Pearson, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stuart, Vance, Wallace, Willett, Williams, Woodruff, Wright of P., Yocom and Palmer, Speaker—47.

So said motion did not prevail.

The question then recurred on the second proposition in said proposed amendment.

Mr. Wright of P., thereupon called a division of the question, which was put to wit, will the House strike out of the 102d section as proposed by Mr. Hargrove,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Bennett, Bigger, Brackenridge, Carter, Craig, De Pauw, Edwards, Ferguson, Hardesty, Hargrove, Howell, Kelso, Kilgore, Leslie, Levenworth, M'Donald, Noble, Smith of F., Smith of R., Steele, Vandever, Willett, Wiison and Wright of P. and D.—24.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Davenport, Davis, Dorsey, Dunn, Dunning, English, Evans, Fairman, Fields, Foster, Fowler, Goo-

kins, Guard, Guion, Hughes, Huntington Jones, Kiser, M'Bean, Monroe, Moore, Nichols, Parker, Pearson, Smith of K., Snapp, Stafford, Stanford, Stuart, Thompson, Vance, Wallace, Williams, Woodruff, Wright of P., Yocom and Palmer, Speaker—46.

So said motion was decided in the negative.

Mr. Thompson moved to further amend said bill as follows:

Amend the 1st section by striking out the words "a state bank with ten branches" in the 3d line, and insert "in the town of Indianapolis in the county of Marion a state bank, with a capital of one million six hundred thousand dollars," and by adding to the end of the section "and there is also, hereby created and established five branches of said state bank, with a capital of two hundred thousand dollars each, the capital of said branches to be created out of the capital of said state bank, in the manner herein after provided for; which branches shall be located by the directors of said state bank first appointed at such places within the state as they may select for that purpose," and by striking out the 2d section, and by striking out the ninth section.

Mr. Huntington called for a division of the question, the first branch thereof being put to wit, on striking out as first above proposed,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bennett, Bigger, Bradbury, Carter, Craig, Dunning, Edwards, Ferguson, Hardesty, Hargrove, Kelso, Kilgore, Leslie, Levenworth, Noble, Parker, Smith of F., Steele, Thompson, Vandever, Willett, Wilson and Wright of P. and D.—25.

*And those who voted in the negative, are*

Messrs. Angle, Brackenridge, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Davenport, Davis, De Pauw, Dorsey, Dunn, English, Evans, Fairman, Fields, Foster, Fowler, Gookins, Guard, Guion, Hughes, Huntington, Jones, Kiser, M'Bean, Monroe, Moore, Nichols, Pearson, Smith of K., Smith of R., Snapp, Stafford, Stanford, Stuart, Vance, Wallace, Williams, Woodruff, Wright of P., Yocom and Palmer, Speaker—41.

So said motion was decided in the negative.

Mr. Vandever moved further to amend the bill by adding the following as an additional section:

SEC. No person except citizens of the United States shall hold stock in the state bank nor in any branch thereof, neither shall the state bank nor branch thereof, employ or use any of its



capital or stock in support of any of the political newspaper presses for the purpose of influencing elections, and the Governor of the state shall not be permitted to remove the state funds deposited in said bank, without consent of the Legislature.

Mr. Huntington moved to amend said proposed amendment by adding thereto the following:

And it shall not be lawful for any man residing east of the Ohio river or north of "Mason's and Dixon's line," to purchase of any citizens of Indiana any pork, corn, flour or article of value, until the expiration of this charter.

Mr. Leslie moved to postpone the further consideration of said bill and proposed amendments indefinitely, when,

Mr. Brady moved the previous question, which motion was seconded by two members, and was thereupon put, to wit:

Shall the main question be now put?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Davenport, Davis, De Pauw, Dorsey, Dunn, English, Evans, Fairman, Foster, Fowler, Gookins, Guard, Guion, Hughes, Huntington, Jones, Kiser, M'Bean, M'Donald, Monroe, Nichols, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Vance, Wallace, Williams, Woodruff, Wright of P., Yocom and Palmer Speaker—45.

*And those who voted in the negative, are*

Messrs. Beem, Bigger, Brackenridge, Bradbury, Carter, Craig, Dunning, Edwards, Ferguson, Hardesty, Howell, Kelso, Kilgore, Leslie, Levenworth, Moore, Noble, Parker, Pearson, Thompson, Vandever, Willett, Wilson and Wright of P. and D—24.

Which motion passed in the affirmative.

The main question was then put, to wit:

Shall the bill be engrossed and read a third time to-morrow?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Davenport, Davis, De Pauw, Dorsey, Dunn, Dunning, English, Evans, Fairman, Fields, Foster, Fowler, Gookins, Guard, Guion, Hughes, Huntington, Jones, Kelso, Kiser, M'Bean, M'Donald, Monroe, Nichols, Parker, Pearson, Smith of K., Smith of R., Snapp, Stafford, Stanford,

Stuart, Vance, Wallace, Williams, Woodruff, Wright of P., Wright of P. and D., Yocom and Palmer, Speaker—48.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Bennett, Bigger, Brackenridge, Carter, Craig, Edwards, Ferguson, Hardesty, Hargrove, Howell, Kilgore, Leslie, Levenworth, Moore, Noble, Smith of F., Steele, Thompson, Vandever, Willett and Wilson—23.

So said main question passed in the affirmative.

Mr Nichols presented a remonstrance of Jordan Wright and others, against a change in the state road leading from Indianapolis to Crawfordsville;

Which was read and referred to the committee on roads.

Mr. Bramwell presented a petition of Joseph Elliott and others, praying a state road from Jeffersonville to Richmond, also a petition of John Vawter and others praying a state road from Lexington to Vernon;

Which were severally read and laid on the table.

Mr. Colerick presented a petition of James R. M'Cord and others, praying a state road from the county seat of Lagrange to to the county seat of Elkhart counties;

Which was read and referred to a select committee of Messrs. Colerick, M'Bean and Kilgore.

Mr. Brown of T. presented a petition of N. R. Beale and others praying a special act of incorporation for the town of Lafayette;

Which was read and referred to a select committee of Messrs. Brown of T., Fairman and Evans.

Mr. Wright of P., from the committee on roads to which was referred a petition on that subject, reported a bill to locate a state road from Rockville in Parke county via Russelville to Jamestown in Boone county;

Which was read the first time and passed to a second reading.

Mr. Levenworth made the following report, which was read and concurred in:

The committee on roads to whom was referred a resolution of this House to enquire into the expediency of so amending the road law as to compel overseers of public roads and highways to cause to be worked out on said roads one half the work due their respective districts on or before the first day of June in each year, and the remainder of said work to be applied on or before the first day of October in each year, have had that subject under their consideration and have directed me to report that it is inexpedient to legislate on that subject at this time.

Mr. Nichols made the following report, which was read and concurred in:

The committee on roads to whom was referred the petition of

Charles B. Naylor and others, praying for a relocation of a part of the Mooresville and Danville state road, have according to order had the same under consideration and report that in their opinion it would be inexpedient to legislate on that subject at this time, and wish to be discharged from the further consideration of the same.

Mr. Bramwell from the committee on roads to which was referred the petition of John Vawter and others, on that subject, reported a bill to locate and establish a state road from Shelbyville via Hortsville to Adam Keller's mill;

Which was read the first time and passed to a second reading.

Mr. Steele made the following report,

The committee on roads to which was referred a petition of sundry citizens of Marion, Boone and Hendricks counties, praying a state road from Bridgeport to Lebanon in Boone county; also a petition from a number of the citizens of Marion and Hendricks counties, praying a state road from Indianapolis to Crawfordsville, and a resolution of this House on the subject of the three per cent. fund, all of which the committee have considered, and deem it inexpedient to further legislate upon the same at this time;

Which was read and ordered that the same do lie on the table.

Mr. Brady made the following report, which was read and concurred in:

The committee of ways and means to whom was referred sundry resolutions on the subject of amending the revenue law, have according to order had the same under consideration and have directed me to report that it is inexpedient to legislate on that matter at this time.

Mr. Gookins, after having obtained leave, presented a bill to amend an act incorporating congressional townships and providing for public schools therein, approved Feb. 2d, 1833;

Which was twice read (the rules of the House having first been dispensed with) and committed to a select committee of Messrs. Hardesty, Gookins and Willett.

Mr. Hardesty made the following report:

The select committee to which was referred a resolution instructing them to report a bill amending so much of the act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 2d, 1833, as relates to the mode of distributing the school funds to the several school districts, and prevent those districts first organized from drawing the whole of the interest of the school funds, report a bill accordingly; and the same committee to which was referred the petitions of sundry citizens on the same subject, and also praying a repeal of so much of said act as subjects them to pay a tax for



the purpose of building school houses and supporting schools, have had that subject under consideration, and direct me to report, that it is inexpedient to legislate on that subject at this time, and your committee ask to be discharged from the further consideration of that subject.

The bill reported by said committee entitled,

A bill to amend an act entitled an act incorporating congressional townships, and providing for public schools therein,

Was twice read, (the rules of the House having first been dispensed with.) and committed to the same select committee to which was committed a bill by Mr. Gookins of the same title.

The latter clause of the report made by Mr. Hardesty, was then concurred in.

Mr. Monroe, after having obtained leave, presented a bill authorizing John Hardin of Washington county, to pay over to Nathan Maudlin of said county, all sums of money in his hands as road commissioner of said county;

Which was read the first time and passed to a second reading.

Mr. Kelso from the select committee to which was referred a petition on that subject, reported a bill to locate a state road in the county of Switzerland;

And before said bill was read,

The House adjourned until 2 o'clock, P.M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate insist on their disagreement to the several amendments proposed by the House to the engrossed bill of the Senate entitled,

An act to locate a state road from Greencastle, in Putnam county, via New Maysville, Jamestown, and Lebanon, in Boone county, to the Michigan road, in Clinton county,

And have appointed Messrs. Sigler and Mastin a committee of free conference on the part of the Senate, to take into consideration with the committee appointed by the House, the disagreeing votes of the two Houses on the subject of said amendments.

Mr. Davis, after having obtained leave, presented a bill to legalize the proceedings of the commissioners of the state road from Shelbyville to the intersection of the Indianapolis and Madison state road, near Klapp's mills;

Which was read the first time and passed to a second reading.

On motion of Mr. Huntington,

The House resolved itself into a committee of the whole, on the bill to provide means for the construction of the Wabash and

Erie canal, and after some time spent therein, the Speaker resumed the chair, and Mr. Hargrove reported progress, and asked leave to sit again, which leave was granted by the House.

Mr. Howell, after having obtained leave, moved the following resolution:

*Resolved*, That this House will adjourn *sine die* on Monday the 3d day of February, the Senate concurring therein.

Mr. Wallace moved to amend the same, by adding the following: *Provided*, The House shall have gone through with their business; when,

On motion of Mr. Huntington,

*Ordered*, That said resolution and proposed amendment do lie on the table.

On motion of Mr. Kelso,

*Resolved*, That the judiciary committee be requested to enquire whether, under the 13th section of the 11th article of the constitution of this state, any person can constitutionally hold the office of justice of the peace and county commissioner at one and the same time, and report to this House, &c.

On motion of Mr. Wright of P.,

The several orders of the day which precede the bill supplemental to an act to establish a college in the state of Indiana, were postponed and the House proceeded to consider said bills.

The committee of the whole to which said bill was committed was discharged from the further consideration thereof.

Said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Brown of T.,

The several orders of the day which precede the bill for the formation of Tecumseh county, were postponed, and the House resolved itself into a committee of the whole on said bill, and after some time spent therein, the Speaker resumed the chair, and Mr. Carter reported the bill with sundry amendments, in which he asked the concurrence of the House.

Whereupon,

The House concurred in the amendments generally.

*Ordered*, That said bill be engrossed and read a third time to-morrow.

And then the House adjourned until to-morrow morning at 9 o'clock.

---

## SATURDAY MORNING, JANUARY 18, 1834.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from Sam-

uel Merrill treasurer of state, shewing a statement of the return of the school commissioners for the years 1832 and 1833—from certain counties therein named;

Which was read and laid on the table.

On motion of Mr. Evans,

The several orders of the day which precede the engrossed bill establishing a state bank were postponed, and the House proceeded to consider said bill.

Said bill was then read the third time, when

Mr. Carter moved to recommit the same to a select committee with instructions as follows:

“To strike out ten branches and insert four, to remodel the bank districts according to the population to be benefitted, to make the mother bank and branches equal participators of the profits and losses of each institution, or rather that the branches shall be merely offices of discount and deposite; that the ayes and noes upon any discount or loan shall at all times be spread upon the records of the bank or branches at the request of any one of the directors; to limit the charter to twenty years; to provide that the state shall take the notes of the said bank and branches in payment of state and county taxes, and of all debts due by individuals to the state; and to provide that the president, cashier and directors of the said bank or any of its branches shall at no time be indebted to the institution over which they hold control, over and above ten thousand dollars and to give the state the right to elect a majority of the directors of said bank and each of its branches, by a vote of the General Assembly viva voce, and further to provide, that the president, cashier, directors and stockholders of the said bank and branches shall be liable for all or any of the debts of said bank and branches in their individual capacities, by a joint or several actions of debt against them or any of them, their heirs, executors or administrators, in any court having jurisdiction thereof, by any creditor or creditors of the said bank or branches, and may be prosecuted to judgment and execution, which judgments so obtained against the president, cashier, directors and stockholders or any of them, of the said bank or any of its branches, shall operate as a lien upon all their real and personal property, jointly and severally, and a judgment so obtained shall operate as a lien upon all the real and personal estate of the said corporation in proportion to their stock; and further, to make such other amendments as said committee may deem necessary for the safety of the state and prosperity and usefulness of the institution; and that no president, cashier, director or stockholder of the said bank or branches shall be eligible to a seat in the General Assembly during the time of their holding of any such appointment or stock in said bank or branches.”

Mr. Steele moved to amend the instructions proposed by Mr. Carter, as follows:

“To reduce the stock on the part of the state to one hundred



thousand dollars, to be subscribed equally among the several banks named in said bill; that the residue of the contemplated stock in said bill, which is twelve hundred thousand dollars, be loaned to individuals in the several bank districts, on landed security, and that the stockholders, with their presidents and directors, have the exclusive control of the same, under such provisions as will secure correct management in said banks; that future legislatures in their discretion, may subscribe hereafter on the part of the state, an amount of stock."

Pending the question thereon,

Mr. Huntington moved the previous question, which was seconded by two members.

Mr. Willett thereupon moved to lay said bill and proposed amendments on the table;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bigger, Carter, Colerick, Craig, Dunning, Ferguson, Hardesty, Hargrove, Howell, Kelso, Kilgore, Leslie, M'Donald, Parker, Smith of F., Thompson, Vandever, Willett, Wilson, Wright of P. and D. and Palmer, Speaker—23.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Clark, Davenport, Davis, De Pauw, Dorsey, Dunn, Edwards, English, Evans, Fairman, Fields, Foster, Fowler, Gookins, Guard, Guion, Hughes, Huntington, Jones, Kiser, Levenworth, M'Bean, Monroe, Moore, Nichols, Pearson, Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Vance, Wallace, Williams, Woodruff, Wright of P. and Yocom—47.

So said motion was decided in the negative.

Mr. Thompson moved that the House adjourn until 2 o'clock, P. M.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bennett, Bigger, Brackenridge, Colerick, Dunning, Edwards, English, Ferguson, Guion, Hargrove, Howell, Kelso, Kilgore, Leslie, M'Donald, Moore, Parker, Steele, Thompson, Willett, Wilson, and Wright of P. and D.—24.

*And those who voted in the negative, are*

Messrs. Angle, Bradbury, Brady, Bramwell, Brown, of L.,

Brown of T., Carter, Clark, Craig, Davenport, Davis, De Pauw, Dorsey, Dunn, Evans, Fairman, Fields, Foster, Fowler, Gookins, Guard, Hardesty, Hughes, Huntington, Jones, Kiser, Levenworth, M'Bean, Monroe, Nichols, Pearson, Smith of F., Smith, of K., Smith of R., Snapp, Stafford, Stanford, Stuart, Vance, Vandever, Wallace, Williams, Woodruff, Wright of P., Yocom and Palmer, Speaker—46.

So said motion was decided in the negative.

Mr. Kilgore moved that the House adjourn until 1 o'clock, P. M.

Mr. Brackenridge named 2 o'clock, P. M.

Mr. Howell named to-morrow morning at 9 o'clock.

The question was then put,

Will the House adjourn until to-morrow morning at 9 o'clock?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Brackenridge, Howell, Kelso, M'Donald and Willett—7.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Davenport, Davis, De Pauw, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Hughes, Huntington, Jones, Kilgore, Kiser, Leslie, Levenworth, M'Bean, Moore, Nichols, Parker, Pearson, Smith of F., Smith of , Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Vance, Vandever, Wallace, Williams, Wilson, Woodruff, Wright of P., Wright of P. & D., Yocom, and Palm-Speaker —63.

So said motion was decided in the negative.

The question was then put,

Will the House adjourn until 2 o'clock, P. M.?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Brackenridge, Dunning, English, Guion, Hardesty, Hargrove, Howell, Kelso, Leslie, M'Donald, Moore, Parker, Steele, Thompson, Willett, Williams, Wilson, and Wright of P. & D.—20.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Davenport, Davis, De Pauw, Dorsey, Dunn, Edwards, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Hughes, Huntington, Jones, Kilgore, Kiser, Levenworth, M'Bean, Monroe, Nichols, Pearson, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Stuart, Vance, Vandever, Wallace, Woodruff, Wright of P., Yocom and Palmer Speaker—50.

So said motion was decided in the negative.

The question was then put,

Will the House adjourn until 1 o'clock, P. M.?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Colerick, Dunning, Guion, Hardesty, Howell, Kelso, Kilgore, Leslie, M'Donald, Moore, Parker, Thompson, Willett, Wilson and Wright of P. & D.—17.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Craig, Davenport, Davis, De Pauw, Dorsey, Dunn, Edwards, English, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookin, Guard, Hargrove, Hughes, Huntington, Jones, Kiser, Levenworth, M'Bean, Monroe, Nichols, Pearson, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Vance, Vandever, Wallace, Williams, Woodruff, Wright of P., Yocom and Palmer, Speaker—53.

So the House refused to adjourn until 1 o'clock, P. M.

Mr. Kilgore then moved that the House adjourn until 2 o'clock, P. M.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Brackenridge, Craig, Dunning, Gookin, Guion, Hardesty, Hargrove, Howell, Kelso, Kilgore, Leslie, Levenworth, M'Donald, Moore, Parker, Pearson, Steele, Thompson, Willett, Wilson, Wright of P. & D., and Palmer, Speaker—24.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Brady, Bramwell



Brown of L., Brown of T., Carter, Clark, Colerick, Davenport, Davis, De Pauw, Dorsey, Dunn, Edwards, English, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Guard, Hughes, Huntington, Jones, Kiser, M'Bean, Monroe, Nichols, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Stuart, Vance, Vandever, Wallace, Williams, Woodruff, and Yocom—44.

So said motion was decided in the negative.

And then the House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment,

And resumed the consideration of the bill establishing a state bank, pending at last adjournment;

When Mr. Huntington withdrew his call for the previous question, pending when the House adjourned.

The question was then put on the amendment proposed by Mr. Steele, to the instructions moved by Mr. Carter,

And decided in the negative.

The question then recurred on the motion of Mr. Carter to commit with instructions as proposed.

Mr. Dunning moved to amend the instructions proposed by Mr. Carter, by striking out the word "four" before the word "branches" and inserting in lieu thereof the word "six;"

Which motion was decided in the negative.

Mr. Brackenridge moved to amend the motion of Mr. Carter, to commit the bill by striking out the instructions.

Which motion did not prevail.

The question was then put on the motion to commit said bill with instructions as proposed by Mr. Carter,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bennett, Bigger, Carter, Craig, Dunning, Edwards, Ferguson, Fields, Hardesty, Hargrove, Howell, Kilgore, Leslie, Levenworth, Moore, Smith of F., Thompson, Vandever, Willett, Wilson and Wright of P. & D.—23.

*And those who voted in the negative, are*

Messrs. Angle, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Davis, De Pauw, Dorsey, Dunn, English, Evans, Fairman, Foster, Fowler, Gookins, Guard, Guion, Hughes, Huntington, Kelso, Kiser, M'Bean, M'Donald, Nichols, Parker, Smith of K., Smith of R., Snapp, Staf-

ord, Stanford, Stuart, Vance, Wallace, Williams, Woodruff, Wright of P., Yocom and Palmer, Speaker—42.

So said motion was decided in the negative.

The question was then put,

Shall said bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Davenport, Davis, De Pauw, Dorsey, Dunn, Dunning, English, Evans, Fairman, Fields, Foster, Fowler, Gookins, Guard, Guion, Hughes, Huntington, Jones, Kelso, Kiser, M'Bean, Monroe, Moore, Nichols, Parker, Pearson, Smith of K., Smith of R., Snapp, Stafford, Stanford, Stuart, Thornberry, Vance, Wallace, Williams, Woodruff, Wright of P., Wright of P. & D., Yocom and Palmer, Speaker—49.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Bennett, Bigger, Brackenridge, Carter, Craig, Edwards, Ferguson, Hardesty, Hargrove, Howell, Kilgore, Leslie, Levenworth, M'Donald, Noble, Reid, Smith of F., Steele, Thompson, Vandever, Willett and Wilson—24.

So said bill passed.

*Ordered,* That it be entitled an act, and and that Mr. Dunn carry it to the Senate and ask their concurrence.

Mr. Bigger moved to postpone the several orders of the day which precede the motion of Mr. Huntington heretofore made to reconsider the vote refusing to take up (from the table) the engrossed joint resolution from the Senate relative to the appointment of officers of the General Government to offices in Indiana.

Mr. Moore moved that the House adjourn until Monday morning at 9 o'clock,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative are,*

Messrs. Baber, Brackenridge, Brady, Bramwell, Brown of T., Clark, De Pauw, English, Fields, Foster, Fowler, Guard, Hargrove, Kilgore, M'Bean, Moore, Noble, Pearson, Smith of K., Wilson, Woodruff, and Wright of P.—22.

*And those who voted in the negative are,*

Messrs. Angle, Beem, Bennett, Bigger, Bradbury, Brown of

L., Carter, Colerick, Craig, Davis, Dorsey, Dunn, Edwards, Evans, Fairman, Ferguson, Gookins, Guion, Hardesty, Howell, Hughes, Huntington, Jones, Kelso, Kiser, Leslie, Levenworth, M'Donald, Monroe, Nichols, Parker, Reid, Smith of F., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Vance, Vandever, Wallace, Willett, Williams, Wright of P. & D., Yocom, and Palmer, Speaker—48.

So said motion was decided in the negative.

Mr. Wright of P. moved that the House adjourn until Munday morning at 9 o'clock,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Brady, Bramwell, Brown of T., Craig, Davis, De Pauw, Dorsey, Edwards, English, Fields, Foster, Guard, Hargrove, Hughes, Kilgore, M'Bean, Monroe, Moore, Nichols, Noble, Pearson, Vandever, Wilson, Woodruff, Wright of P., Wright of P. and D., and Palmer, Speaker—27.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Bigger, Brackenridge, Bradbury, Brown of L., Carter, Clark, Colerick, Evans, Fairman, Ferguson, Fowler, Gookins, Guion, Hardesty, Howell, Huntington, Jones, Kelso, Kiser, Leslie, Levenworth, M'Donald, Parker, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Vance, Wallace, Willett, Williams and Yocom—42.

So said motion was decided in the negative.

Mr. Vandever moved that the House adjourn until Monday morning at 8 o'clock,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Brady, Bramwell, Brown of T., Davis, De Pauw, Dorsey, Edwards, English, Fields, Foster, Guard, Hargrove, Hughes, Kilgore, M'Bean, Monroe, Moore, Nichols, Noble, Pearson, Vandever, Wright of P. and Palmer, Speaker—23.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Bennett, Bigger, Brackenridge, Bradbury, Brown of L., Carter, Clark, Colerick, Craig, Dunn, Evans, Fairman, Ferguson, Fowler, Gookins, Guion, Hardesty, Howell, Huntington, Jones, Kelso, Kiser, Leslie, Levenworth, M'Donald,



Parker, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Vance, Wallace, Willett, Williams, Wilson, Wright of P. and D. and Yocom—41.

So said motion was decided in the negative.

The question then recurred on the motion of Mr. Bigger to reconsider the motion of Mr. Huntington,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Bigger, Brackenridge, Bradbury, Brown of L., Colerick, Dunn, Edwards, Evans, Gookins, Guard, Guion, Hardesty, Huntington, Jones, Kelso, Leslie, Levenworth, McDonald, Parker, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Thompson, Vance, Wallace, Willett, and Wilson—33.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Brady, Bramwell, Brown of T., Carter, Clark, Craig, Davis, De Pauw, Dorsey, Dunning, English, Fairman, Ferguson, Fields, Foster, Fowler, Hargrove, Howell, Hughes, Kilgore, Kiser, M'Bean, Monroe, Moore, Nichol, Noble, Pearson, Stuart, Vandever, Williams, Wright of P., Wright of P. and D., Yocom and Palmer, Speaker—36.

So said motion was decided in the negative.

And then the House adjourned until Monday morning at 9 o'clock.

## MONDAY MORNING, JANUARY 20, 1834.

The House met pursuant to adjournment.

The following message was received on Saturday last from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate concurs in the amendment proposed by the House to the 5th amendment proposed by the Senate to the engrossed bill of the House entitled an act changing the time of holding the circuit courts in the county of Madison.

Mr. English from the joint committee of enrolled bills report, that they did on Saturday the 18th inst. present to the Governor for his approval and signature acts and joint resolution as follows, to-wit:

An act for the relief of the heirs of John Horlock, late of the county of Rush, deceased;

An act to locate a state road from Danville in Hendricks county via Jamestown and Thorntown in Boone county to intersect the Indianapolis and Lafayette state road at or near Prairieville in Clinton county;

An act to declare a certain road therein named a state road;

An act to establish a state road from Bedford in Lawrence county via Washington in Daviess county to the rapids of the Wabash river at or near the mouth of White river; and

A joint resolution relative to the three per cent. fund.

The Speaker laid before the House a petition of Jno. M. Colman, praying the repeal of a law locating a certain state road therein named;

Which was read and referred to a select committee of Messrs. Evans and Huntington.

The Speaker laid before the House a petition of John Ketcham and others, praying a change in the law perpetuating testimony;

Which was read and referred to the committee on the judiciary.

The Speaker laid before the House a communication from N. D. Grover, enclosing a petition of Alexander Wilson and others, contractors on the Michigan road, making favourable statements of the conduct of William Polke, commissioner on said road;

Which was read and laid on the table.

The Speaker laid before the House a remonstrance of Eleazer Rawlings and others, against a change in the road leading from Madison to Indianapolis;

Which was read and laid on the table.

Mr. Wallace presented a petition of James C. Patton and others, praying a change in the road above named;

Which was read and laid on the table.

Mr. Dann presented a petition of Richard Adams and others, praying a state road from Rising Sun to Jacob Myers on the state road from Madison to Lawrenceburgh;

Which was read and referred to the select committee to which a petition on the same subject was heretofore referred.

Mr. Edwards presented a remonstrance of Paul W. Way and others, against a relocation of the state road from Richmond to Fort Wayne;

Which was read and laid on the table.

Mr. Colerick presented a remonstrance of John Cook and others, against a state road from the county seat of Elkhart to the county seat of Lagrange county;

Which was read and referred to the same select committee to which was heretofore referred a petition on the same subject.

Mr. Evans presented a petition of sundry citizens of Fountain county, praying an act incorporating a company to construct a certain rail road therein named;

Which was read and referred to a select committee of Messrs. Evans, Hughes, Bigger, Brown of T., Thompson and Gookins.

Mr. Davis presented a petition of James Williams and others, praying a change in the state road from Edinburgh to Shelbyville;

Which was read and referred to a select committee of Messrs. Davis, Kiser, and Foster.

Mr. Angle made the following report, which was read and the committee discharged:

The committee on elections to whom was referred a resolution of this House directing an enquiry into the expediency of amending the law respecting contested elections so as to make the contestor responsible for costs, provided he fail in the prosecution of the same, with leave to report by bill or otherwise, have according to order had that subject under consideration and now report, that in the opinion of said committee it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof.

Mr. Carter presented a remonstrance of Elijah Atkinson and others, against vacating a state road from Bedford in Lawrence county to Beck's mill in Washington county;

Which was read and referred to the committee on roads.

Mr. Steele from the committee on roads to which was referred sundry petitions of the citizens of Randolph county on that subject, reported a bill to change a part of a state road therein named;

Which was read the first time and passed to a second reading.

Mr. Steele from the same committee to which was referred a petition of John George and others on that subject, reported a bill for the location of a state road from a point on the Ohio line near Fort Recovery to the town of Goshen in Elkhart county;

Which was read the first time and passed to a second reading.

Mr. Huntington made the following report, which was read and the resolution therein named adopted:

The committee on canals and internal improvements to whom were referred the petitions of certain citizens of Illinois, on the subject of the improvement of the navigation of the Wabash river, as also the letter of Thos. S. Hinde and Benj. Kavanaugh in behalf of the "Wabash navigation company," and the citizens of Illinois on the same subject report, that the views of the petitioners &c. have been considered by your committee; and that the "bill authorizing a loan of \$250,000 for internal improvements, and pledging the three per cent. fund for the payment thereof," embraces the objects of said petitioners—Your committee therefore recommend the adoption of the following resolution:

*Resolved*, That the said petitions and letter be committed to the same committee of the whole to which said bill is committed, and that the committee on canals and internal improvements be discharged from the further consideration thereof.



Mr. Huntington made the following report:

The committee on canals and internal improvements, to, whom was referred the following resolution, to wit:

*Resolved*, That the committee on canals and internal improvements, be instructed to enquire into the expediency of employing a skillful engineer, to survey the south side of the Wabash river, from Logansport down, and make an estimate of the probable difference of expense between the north and south side of said river, in the construction of said canal from Logansport to the highest point of steamboat navigation, and also to survey from the said highest point of steamboat navigation, to the county seat of Fountain county, situate at the great bend of the Wabash, and make an estimate of the probable expense of constructing a canal within the last limits, together with its practicability and importance; and that said committee report by bill or otherwise; report, that the object embraced in the first part of said resolution, is provided for in a bill heretofore reported by your committee, "providing means for the construction of the Wabash and Erie canal," and a majority of said committee report, that it is inexpedient to legislate at this time upon the subject of extending the surveys for said canal below the head of steamboat navigation, and therefore ask to be discharged from the further consideration thereof;

Which was read, when,

Mr. Evans moved to recommit to a select committee so much of the report as relates to the survey from the mouth of Tippecanoe river down, with instructions to bring in a bill authorizing an appropriation out of the Wabash and Erie canal fund, for the survey of the route by a skillful engineer, from the said mouth of Tippecanoe river, on the east side of the Wabash, down to that point most eligible for the commencement of a rail road across the state of Illinois to St. Louis, and also to require said engineer to make estimates of the probable expense of constructing a canal in said limits, together with its practicability and importance, and requiring said engineer to make a report to the next Legislature of his survey and estimates, when,

On motion of Mr. Evans,

*Ordered*, That said report and motion to recommit do lie on the table.

The House resumed the consideration of the report made by Mr. Kelso on Friday last, accompanied by a bill, entitled a bill to locate a state road in the county of Switzerland.

Said bill was read the first time and passed to a second reading.

Mr. Colerick from the select committee to which was referred a petition on that subject, reported a bill to locate a state road from South Bend to the western boundary of the state;

Which was read the first time and passed to a second reading.

Mr. Angle from the select committee to which was referred a

petition on that subject, reported a bill to incorporate the Indianapolis and Lafayette rail road company;

Which was twice read, (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Smith of P. from the select committee to which was referred a petition on that subject, reported a bill to locate a state road from Connersville to St. Omer;

Which was twice read, (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Gookins from the select committee to which was committed two several bills, entitled bills to amend an act entitled an act incorporating congressional townships, and providing for public schools therein, approved Feb. 2d, 1833—reported the same with one amendment;

Which was read and concurred in, and,

On motion of Mr. Gookins,

Ordered, That the same do lie on the table.

Mr. Gookins made the following report:

The select committee to which was referred the petition of Lewis Jones and others, citizens of Vermillion county, praying for the relocation of a certain state road therein named, and the location of a branch to said road, and also the remonstrance of sundry citizens of said county, against said petition, report, that in their opinion, any legislation on the matter first mentioned is at this time inexpedient, and a majority of said committee have instructed me to report, that any legislation on the other matter mentioned in said petition is at this time inexpedient. The committee therefore ask to be discharged from the further consideration of said petition and remonstrance;

Which was read, and,

On motion of Mr. Pearson,

Committed to the same select committee to which was heretofore referred the petition of John M. Coleman.

Mr. Depauw from the select committee to which were referred two petitions on that subject, reported a bill to locate a state road from Carlisle via intermediate points to Terre Haute;

Which was read the first time and passed to a second reading.

Mr. Williams made the following report, which was read and concurred in:

The select committee to whom was referred the petition of Elias Bell and others, citizens of Clark county, praying to be attached to Floyd county, have had that subject under their consideration, and not being able to ascertain that Clark county had any territory over and above four hundred square miles, have directed me to report, that it is inexpedient to grant the prayers of the petitioners, and ask to be discharged.

Mr. Brown of T. from the select committee to which was re-

ferred a petition of N. R. Beale and others, reported a bill to incorporate the town of Lafayette;

Which was read the first time and passed to a second reading.

Mr. Stuart from the select committee to which was referred a petition of James Keigwin and others, on that subject, reported a bill to amend an act regulating medical societies, approved Jan. 20th, 1830;

Which was read the first time, when,

Mr. Wright of P. moved to reject the same,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bennett, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Carter, Clark, Davenport, Davis, De Pauw, Dorsey, Edwards, English, Ferguson, Fields, Foster, Fowler, Gookins, Hargrove, Howell, Huntington, Jones, Kelso, Leslie, Levenworth, M'Bean, Monroe, Moore, Nichols, Parker, Pearson, Reid, Smith of F., Smith of K., Snapp, Stafford, Stanford, Steele, Thornberry, Vance, Vandever, Wallace, Williams, Woodruff, Wright of P., Yocom and Palmer, Speaker—50.

*And those who voted in the negative, are*

Messrs. Brown of L., Brown of T., Craig, Dunning, Evans, Fairman, Guard, Guion, Hughes, Kilgore, M'Donald, Noble, Smith of R., Stuart, Thompson, Willett, Wilson and Wright of P. and D.—18.

So said bill was rejected.

And then the House adjourned until two o'clock, P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment.

A message from the Senate, by Mr. Morrison, their Assistant Secretary:

**MR. SPEAKER:**

The Senate has passed engrossed bills of the House, entitled as follows, viz:

An act to amend an act, entitled an act to provide for the sale of certain lands therein named, approved February 2d, 1833; and

An act for the relief of William C. Bramwell;



The first named bill, with several amendments, in which the concurrence of the House is requested.

The Senate has also passed an engrossed bill entitled an act supplemental to an act entitled an act to incorporate the Evansville and Lafayette rail road company, approved Dec. 24th, 1833;

In which the concurrence of the House is requested.

The amendments proposed by the Senate to the bill of the House first named in said message, were severally read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The engrossed bill of the Senate named in said message, was read the first time and passed to a second reading.

Mr. Evans made the following report, which was read and concurred in, and the committee discharged from the further consideration thereof:

The select committee to whom was referred the petition of D. Rawles and others, citizens of Fountain county, praying the incorporation of a rail road company, to construct a rail road therein named, have had that subject under consideration, and have directed me to report, that inasmuch as the charter prayed in said petition to be granted, will not be of general utility, but will conduce alone to the benefit and convenience of the petitioners, your committee deem it inexpedient to legislate on that subject, and pray to be discharged.

On motion of Mr. Blackenridge,

The several orders of the day which precede the following bills and a memorial, relative to the rapids of the Wabash river, to wit:

A bill authorizing a loan for internal improvements, and pledging the 3 per cent. fund for the payment thereof, and

A bill authorizing the creation of a loan for the benefit of the state of Indiana, and pledging the 3 per cent. fund for the payment thereof, were postponed, and the House then resolved itself into a committee of the whole on said bills and memorial, and after some time spent therein, the speaker resumed the chair, and Mr. Davis reported progress and asked leave to sit again,

And before the question was had thereon,

The House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, JANUARY 21, 1834.

The House met pursuant to adjournment,

The Speaker appointed Mr. Wright of P. a member of the

select committee to which was, (on yesterday,) referred a petition of John M. Colman, in place of Mr. Gookins, who was excused from serving on said committee.

Mr. Dunning from the joint committee of enrolled bills, reported that they have compared the enrolled with the engrossed bill entitled,

An act for the relief of William C. Bramwell,  
And find the same truly enrolled.

Whereupon,

The Speaker signed said bill.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

Mr. Colerick presented a petition of Lawson W. Harrison and others, praying an act incorporating a company to be styled "the Fort Wayne and St. Mary's bridge company;"

Which was read and referred to a select committee of Messrs. Colerick, M'Bean and Edwards.

Mr. Fairman presented a petition of James A. Maxwell and others, relative to the Wabash and Erie Canal;

Which was read and laid on the table.

Mr. Woodruff presented a petition of Ira B. Nay and others, praying a state road from near Joab Woodruff's to Franklin;

Which was read and referred to a select committee of Messrs. Woodruff, Kiser and Stafford.

Mr. English, after having obtained leave, presented a petition of Richard L. Dickson, praying to be divorced from his wife Rachel, accompanied by a bill, entitled

A bill for the relief of Richard L. Dickson.

Said bill was read the first time and passed to a second reading.

Mr. Dunning, after having obtained leave, presented a bill to incorporate the Levenworth and Bloomington rail road company;

Which was twice read, (the rules of the House having first been dispensed with,) when,

On motion of Mr. Dunning,

The first section of said bill was amended by adding the names of James Crawford, Wm. H. Craig, and James S. Kelley, of Morgan county, as additional commissioners;

Said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Clark,

The several orders of the day which precede the bill to amend an act entitled an act for assessing and collecting the revenue, approved Feb. 10th, 1831, and to provide for an equitable and uniform mode of taxation,

Were postponed and the House proceeded to consider said bill.

On motion of Mr. Bigger,

The House resolved itself into a committee of the whole on said bill, and after some time spent therein, the Speaker resumed the chair and Mr. Willett reported progress, and asked leave to sit again, which leave was granted by the House.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Reid, after having obtained leave, moved the following resolution:

*Resolved*, That this House will adjourn *sine die* (the Senate concurring therein) on the first day of February, and that the Senate be informed of the adoption of this resolution.

Mr. Huntington moved to lay the same on the table,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Brackenridge, Bradbury, Brady, Bramwell, Brown of T., Colerick, Craig, Davenport, Davis, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Fowler, Gookins, Guard, Guion, Hargrove, Howell, Hughes, Huntington, Kelso, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Moore, Nichols, Pearson, Smith of K, Stuart, Thompson, Thornberry, Vance, Vandever, Wallace, Willett, Wright of P., and Palmer, Speaker —43.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Bennett, Bigger, Carter, Clark, Ferguson, Fields, Foster, Kilgore, Reid, Smith of F., Smith of R., Steele, Williams, Woodruff and Wright of P. & D.—17.

So said motion passed in the affirmative.

A message from the Senate by Mr. Morris, their Secretary.

MR. SPEAKER:

The Senate has adopted the following resolution:

*Resolved*, That the Senate will on Saturday the first day of February next, adjourn *sine die* the House of Representatives concurring, and that the House be informed of the adoption of this resolution, and a similar one on their part requested.

A message from the Governor by Mr. Maguire his private Secretary.



MR. SPEAKER:

His Excellency the Governor did, yesterday, approve and sign an act and a joint resolution entitled as follows:

An act for the relief of the heirs of John Harlock, late of the county of Rush, deceased; and

A joint resolution relative to the three per cent. fund:

Which originated in the House of Representatives.

Mr. Brown of T. moved to postpone the several orders of the day which precede bills on their third reading and that the House do consider said bills;

Which motion did not prevail.

The House then proceeded to consider the orders of the day and resumed the consideration of the two several bills entitled as follows:

A bill authorizing a loan for internal improvements and pledging the 3 per cent. fund for the payment thereof;

A bill authorizing the creation of a loan for the benefit of the state of Indiana, and pledging the 3 per cent. fund for the payment thereof; and

A memorial relative to the improvement of the navigation of the Wabash river, depending when the House adjourned on last evening.

The question recurred will the House grant leave for the committee of the whole to which said bills, &c. were committed to sit again, and being put,

It passed in the affirmative.

Whereupon,

On motion of Mr. Willett,

The House again resolved itself into a committee of the whole on said bills, &c., and after some time spent therein the speaker resumed the chair and Mr. Davis reported the same with sundry amendments.

The six first amendments made in committee of the whole were read and agreed to.

The 7th amendment was read, when

On motion of Mr. Kilgore,

The same was amended by incorporating the following provision:

"Of the said loan, the sum of fifteen hundred dollars shall be applied to the locating, opening and improvement of a road leading from Mucietown in Delaware county to Fort Wayne in Allen county; and the sum of fifteen hundred dollars to be laid out in like manner upon a road leading from Delphi in Carroll county to Muncietown in Delaware county; and the sum of one thousand dollars to be laid out in like manner upon a road beginning at a point on the Richmond and Logansport state road near Robert Lander's and running from thence to Huntington in Huntington

county, by the way of New Cumberland, which money shall be drawn by such commissioners, as may hereafter be appointed by the Legislature to expend the same on the several roads above named," and by reducing the amount reserved to the unorganized territory to \$16000.

Mr. Dunn moved further to amend said 7th amendment, made in committee, as follows, after the reservations in relation to hydraulic privileges, add the following proviso:

*"Provided however, That the state shall have the right to purchase the same on refunding to said counties the monies expended by them thereon with interest thereon at the rate of 6 per cent. per annum, whenever the state shall desire to make further improvements on said stream to an amount equal to the present appropriation."*

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bennett, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Carter, Craig, Davenport, Davis, Dorsey, Dunn, Dunning, Edwards, English, Evans, Ferguson, Fields, Foster, Fowler, Guard, Guion, Hargrove, Howell, Hughes, Huntington, Jones, Kilgore, Leslie, Levenworth, Monroe, Moore, Nichols, Noble, Parker, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Stuart, Thornberry, Vandever, Wallace, Willett, Williams, Wilson, Woodruff, Wright of P. & D., Yocom and Palmer, Speaker—55.

*And those who voted in the negative, are*

Messrs. Angle, Brown of T., Clark, Colerick, De Pauw, Fairman, Gookins, M'Bean, M'Donald, Pearson, Piercy, Steele, Thompson, Vance, and Wright of P.—15.

So said amendment was adopted.

Mr. Evans moved further to amend said amendments by adding thereto the following:

*"And also all tolls arising from said improvements;"*

Which motion did not prevail.

Said 7th amendment made in committee of the whole as amended was then agreed to.

The 8th amendment made in committee was read and agreed to by the House.

The ninth amendment made in committee of the whole was read, and

On motion of Mr. Brackenridge, amended as follows:

**SEC.** The board doing county business in each of said counties

shall have power to appoint a commissioner to superintend the application or loaning said sum, who shall give bond in the sum of five thousand dollars payable to the state of Indiana for the faithful discharge of his duties as commissioner aforesaid, and shall take an oath that he will to the best of his abilities discharge his duties.

SEC. On entering into bond and taking an oath the clerk of said board shall deliver to such commissioner a certificate of said fact and of his appointment, which shall authorise the treasurer of state or cashier of the branch bank at Indianapolis to pay over to said commissioner or his order the said amount hereby appropriated to his county.

SEC. The board doing county business of any county in the state are hereby authorised and empowered to borrow any part of said sum should the same be needed for the erection of public buildings, at a rate of interest not less than 6 per cent. to be paid annually in specie.

On motion of Mr. Bennett,

The county of Union was stricken out from said 9th amendment.

On motion of Mr. Williams,

The county of Floyd was stricken out from the same and said 9th amendment further amended as follows:

"SEC. That Samuel G. Wilson of the county of Floyd, is hereby appointed commissioner of so much of said loan as is by this act appropriated to said county of Floyd, and he is hereby authorised to draw said amount and pay out the same to the order of the board doing county business in said county, having first given bond with security to be approved by said board conditioned that he will well and faithfully discharge his duty as such commissioner and pay over the said amount of money to the order of said board.

SEC. Said board is hereby authorised to appropriate said sum of money appropriated to said county of Floyd in the improvement of roads and construction of bridges, or such board may direct the same to be loaned out at interest at not less than six per cent. per annum, and apply such interest to the improvement of roads and construction of bridges within said county of Floyd."

Mr. Nichols moved to postpone said bill and proposed amendments indefinitely,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bigger, Bradbury, Davis, De Padu, Dorsey, Dunn, Edwards, Fowler, Hardesty, Jones, Kiser, Leslie, Moore, Nichols, Noble, Parker, Smith of R., Steele, Thompson, Thornberry, Willett, Wilson, and Wright of P.—23.



*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Brackenridge, Brady, Bramwell, Brown, of L., Brown of T., Carter, Clark, Colerick, Craig, Davenport, Dunning, English, Evans, Fairman, Ferguson, Fields, Foster, Gookins, Guard, Guion, Hargrove, Howell, Hughes, Huntington, Kelso, Kilgore, Levenworth, M'Bean, M'Donald, Monroe, Pearson, Reid, Smith of K., Snapp, Stafford, Stanford, Stuart, Vance, Vandever, Wallace, Williams, Woodruff, Wright of P. and D., Yocom and Palmer, Speaker—48.

So said motion was decided in the negative.

And then the House adjourned until to-morrow morning at 9 o'clock.

---

### WEDNESDAY MORNING, JAN. 22, 1834..

The House met pursuant to adjournment.

Mr. English from the joint committee of enrolled bills reported, that they have compared the enrolled with the engrossed bill, entitled as follows, to wit:

An act to amend an act entitled an act to provide for the sale of certain lands therein named, approved Feb. 2, 1833,

And find the same truly enrolled.

Whereupon,

The Speaker signed said bill.

*Ordered*, That the clerk carry it to the Senate for the signature of their President.

Mr. Brady after having obtained leave and a suspension of the previous orders of business, presented a petition of T. M. Smith, and others, accompanied by a bill entitled a bill to authorize the the Marion board of commissioners to hold a special session;

Which was three times read (the rules of the House having first been dispensed with) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Edwards, after having obtained leave presented a bill providing for the appropriation of certain unexpended balances of the 3 per cent. fund;

Which was read the first time and passed to a second reading.

Mr. Fields, after having obtained leave presented a bill to declare a certain county road therein named a state road;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. English, after having obtained leave, presented a bill to

establish a state road from Lexington to the 13 mile stake in Jefferson county;

Which was read the first time and passed to a second reading.

Mr. Fairman after having obtained leave, presented a bill to amend an act to locate a state road from Delphi to Muncietown, approved Feb. 1, 1833;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Smith of K.,

The several orders of the day which precede the engrossed bill supplemental to an act or acts incorporating the borough of Vincennes, postponed and the House proceeded to consider the same.

Said bill was then read the third time and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Williams, after having obtained leave, presented a bill to attach a part of the county of Harrison to the county of Floyd;

Which was read the first time, when

Mr. Leslie moved to reject the same;

Which motion was decided in the negative.

So said bill passed to a second reading.

Mr. Wallace, after having obtained leave, presented a bill to amend an act to incorporate the Madison, Indianapolis and Lafayette rail road company, approved Feb. 2, 1832;

Which was twice read (the rules of the House having first been dispensed with) when,

On motion of Mr. Dunn,

Said bill was amended so that the state shall have the right to purchase said road and stock, after the expiration of 75 years.

Said bill was then ordered be engrossed and read a third time to-morrow.

Mr. Colerick from the select committee to which were referred a resolution and petition on that subject, after having obtained leave, presented a bill changing the time of holding the circuit courts in the 8th judicial circuit;

Which was three times read (the rules of the House having first been dispensed with) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Wallace from the committee on the affairs of the town of Indianapolis, after having obtained leave presented a bill granting relief to John E. McClure;

Which was read the first time and passed to a second reading.

Mr. Kelso from the select committee to which was referred two petitions and a remonstrance, on that subject, reported a bill to locate a state road from Rising Sun, in Dearborn county, to intersect the state road leading from Vevay in Switzerland county,

to Versailles in Ripley county, at or near the Cross Plains, in Ripley county;

Which was read the first time and passed to a second reading.

Mr. Gookins from the select committee to which was referred a resolution on that subject, reported a bill authorizing the appointment of commissioners to divide certain school lands;

Which was read the first time and passed to a second reading.

Mr. Thompson from the committee on the judiciary, to which was referred a resolution on that subject, reported a bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10th, 1831;

Which was twice read, (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

Mr. Thompson from the same committee, to which was referred a resolution on that subject, reported a bill to amend an act entitled an act for the relief of the poor, approved Feb. 10th, 1831;

Which was twice read, (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Dorsey,

The several orders of the day which precede bills on their 2d readings were postponed, and the House proceeded to consider the same, and resumed the consideration of the bill authorizing a loan for internal improvement, and pledging the three per cent. fund for the payment thereof.

The 9th amendment made in committee of the whole to said bill as amended, was then agreed to.

The 10th amendment made in committee of the whole to said bill, was read, and,

On motion of Mr. Huntington,

Amended by inserting after the word "purpose" these words, "by this act or appointed by such board."

Said amendment as amended was then agreed to.

The 11th amendment was then read, when,

On motion of Mr. Carter,

Said amendment made in committee of the whole, was stricken out, and the following inserted in lieu thereof:

Sec. Be it further enacted, that John Murray of the county of Orange be, and he is hereby appointed a commissioner to draw and receive of the Treasurer of state, or cashier of the branch bank of the state of Indiana, at Indianapolis, as the case may be, out of the said sum of three thousand three hundred and thirty-three dollars, set apart as aforesaid by this act, for the county of Orange one thousand dollars, and to appropriate the same to the improvement of so much of the state road leading from New Albany to Vincennes, by the way of Paoli, as lies within said county—and that Jeremiah Wilson, of the county of Orange be, and



he is hereby appointed commissioner, to draw and receive as aforesaid, out of the said sum of \$3,333, set apart as aforesaid by this act, for the county of Orange \$1,000, and to appropriate the same to the improvement of so much of the state road leading from the town of Leveaworth, by the way of Paoli and Orleans to Indianapolis, as lies within said county—And that Jesse Reed be, and he is hereby appointed commissioner to draw and receive as aforesaid, \$500 of the said sum of \$3,333, set apart as aforesaid by this act for the said county of Orange, and to appropriate the same to the improvement of so much of the state road leading from the town of Orleans to Livonia as lies within the county of Orange: And Thomas G. Carr be, and he is hereby appointed commissioner to draw and receive as aforesaid, \$100 out of the said sum set apart as aforesaid by this act, to the said county of Orange, and to appropriate the same to the improvement of so much of the state road leading from the town of Orleans to Salem, as lies within Orange county—And that William Mays of the county of Orange be, and he is hereby appointed commissioner to draw and receive as aforesaid, \$200 out of the said sum of money set apart for the said county of Orange, and to appropriate the same to the improvement of so much of the state road leading from the town of Orleans, by the way of Samuel Chamber's to Leveaworth's mills as lies within said county—And that William Brooks of the county of Orange be, and he is hereby appointed commissioner to draw and receive as aforesaid, \$200 out of the said sum of money set apart as aforesaid by this act, for the said county of Orange, and to appropriate the same to the improvement of so much of the state road leading from the town of Paoli to Salem, as lies within said county—And that Jacob Shirley of the county of Orange be, and he is hereby appointed commissioner to draw and receive as aforesaid, \$333 out of the said sum of money set apart as aforesaid by this act for the county of Orange, and to appropriate the same to the clearing out the obstructions in Lost river, to its navigation below the rise of said river near said Shirley's.

SEC. Each of said commissioners appointed by the—section of this act, shall before entering upon the duties enjoined on him by this act, enter into bond payable to the state of Indiana, with sufficient security to be approved of by the board doing county business in said county of Orange, in double the amount of money he is to receive and appropriate under the provisions of this act, that he shall well and faithfully discharge, by receiving and appropriating the said money according to the provisions of this act; which bond shall be filed in the clerk's office of the county of Orange, and each of the said commissioners shall before entering upon the duties enjoined on him by this act, take an oath or affirmation that he will, to the best of his skill and abilities, discharge the duties required of him by this act.

SEC. Each commissioner appointed by the—section of this

act, shall retain one dollar and twenty-five cents out of the said money coming into his hands, for each day he shall be actually employed.

SEC. Should any commissioner appointed by the — section of this act in said county of Orange, refuse or neglect to qualify, according to the provisions of this act, or vacate his office by death, resignation or otherwise, then the board doing county business in said county of Orange, shall appoint some competent person to fill such vacancy, who shall be governed in all respects by the requisitions herein mentioned.

Said amendment as amended was then agreed to.

The 12th, 13th, 14th and 15th amendments made in committee of the whole to said bill, were severally read and concurred in by the House.

Mr. Wallace moved to recommit said bill with instructions as follows:

“Recommit to a select committee of two from each judicial circuit, with instructions to provide for the improvement of the Wabash and White rivers, by the state authority, to appropriate in just and equitable proportions, on public roads, rail roads or canals, needing appropriations; and such counties as do not consent to have their proportion of money applied on roads and canals, to deduct the amount allotted to them, from the loan to be made, and make provisions for future appropriations to them.”

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bigger, Brady, Bramwell, Brown of L., Clark, Cole-  
rick, Davis, De Pauw, Edwards, Fairman, Gookins, Kiser, M'Don-  
ald, Moore, Noble, Parker, Pearson, Piercy, Smith of F., Smith of  
K., Stanford, Thornberry, Wallace, Willett, Wright of P., and  
Palmer, Speaker—26.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Brackenridge, Brad-  
bury, Brown of T., Carter, Craig, Davenport, Dorsey, Dunn,  
Dunning, English, Ferguson, Fields, Foster, Fowler, Guard, Gui-  
on, Hardesty, Hargrove, Howell, Hughes, Huntington, Jones,  
Kelso, Kilgore, Leslie, Levenworth, M'Bean, Monroe, Nichols,  
Reid, Smith of R., Snapp, Stafford, Stuart, Thompson, Vance,  
Vandever, Williams, Wilson, Woodruff, Wright of P. and D.,  
and Yocom—46.

So said motion was decided in the negative, when,

On motion of Mr. Wallace,

Said bill with the amendments, were recommitted to a commit-  
tee of the whole House for to-morrow.

Mr. Davenport having obtained leave, made the following report:

MR. SPEAKER:

The committee of free conference, appointed to take into consideration the disagreeing votes of the two Houses, on the amendments made by the House of Representatives to the engrossed bill of the Senate, entitled an act to locate a state road from Greencastle in Putnam county, by way of New Maysville in said county, James own and Lebanon in Boone county, to the Michigan road in Clinton county, have agreed to the following amendments: first, to strike out all of the first section from the word county in the 8th line, and insert the following; on the nearest and best ground that a road can be had, which shall be opened not less than forty nor more than one hundred feet wide. Second amendment to the title, as follows: an act to locate a state road from Greencastle in Putnam county via New Maysville and Jamestown to Lebanon in Boone county;

Which report was read and concurred in by the House.

*Ordered*, That the clerk inform the Senate thereof.

The bill to repeal an act therein named was read the second time.

Mr. Reid moved to commit it to a committee of whole House for to-morrow.

Mr. Pearson moved that it do lie on the table;

Which motion did not prevail.

And on the question to commit as proposed by Mr. Reid,

It was decided in the negative.

Mr. Smith of F. moved that the further consideration thereof be indefinitely postponed,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bennett, Bigger, Brackenridge, Bradbury, Bramwell, Davenport, Dunn, Edwards, Ferguson, Gookins, Guard, Hards-ty, Howell, Jones, Kilgore, Leavenworth, M'Bean, M'Donald, Noble, Pearson, Piercy, Reid, Smith of F., Stanford, Thornberry, Wallace, Willett, Wright of P. and Palmer, Speaker—30.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Brady, Brown of L., Brown of T., Carter, Clerk, Colerick, Craig, Davis, De Pauw, Dorsey, Dunning, English, Fields, Fowler, Guion, Hargrove, Hughes, Huntington, Kelso, Kiser, Monroe, Moore, Nichols, Smith of K., Snapp, Stafford, Stuart, Thompson, Vance, Vandever, Williams, Woodruff, Wright of P. and D., and Yocom—37.

So said motion was decided in the negative.



Mr. Brown of L., thereupon moved to strike out the first section of said bill;

Which motion passed in the affirmative.

So said bill was rejected.

The bill to incorporate the several townships in the county of Tippecanoe, was read the second time.

On motion of Mr. Vance,

The same was amended by extending its provisions to Montgomery county,

And on this question, shall the bill be engrossed and read a third time to-morrow?

The ayes and noes being requested by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bennett, Bigger, Brady, Brown of L., Brown of T., Carter, Clark, Craig, Davenport, Davis, De Pauw, Dorsey, Dunn, Dunning, Evans, Fairman, Ferguson, Fields, Fowler, Gookins, Gulon, Hardesty, Hargrove, Howell, Hughes, Huntington Jones, Kelso, Kiser, Levenworth, McBean, Monroe, Moore, Nichols, Noble, Piercy, Smith of F., Smith of R., Stafford, Stuart, Thornberry, Vance, Vandever, Willett, Williams, Woodruff, Wright of P., Wright of P. and D. and Yocom—52.

*And those who voted in the negative, are*

Messrs. Brackenridge, Bradbury, Bramwell, Colerick, Edwards, Foster, Kilgore, McDonald, Pearson, Reid, Smith of K., Snapp, Stanford, Thompson, Wallace, and Palmer, Speaker—16.

So it was ordered that said bill be engrossed and read a third time to-morrow.

Mr. Bennett from the joint committee of enrolled bills reported, that they have compared the enrolled with the engrossed bills entitled acts, as follows, viz:

An act changing the time of holding the circuit court in certain counties therein named and the probate court of Posey county, and

An act to authorize an asylum for the poor of the counties of Franklin, Fayette and Union;

And find them truly enrolled.

Whereupon,

The Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their President.

The joint resolution relative to horses that were lost by the Indiana rangers in the service of the United States,

Was read the 2d and 3d times (the rules of the House having first been dispensed with) and passed.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence.

And the House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment,

Mr. Nichols from the select committee to which was referred the petition of Polly Vanoy, (having obtained leave) reported a bill for the relief of the petitioner;

Which was read the first time and passed to a second reading.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER:

The Senate concur in the report of the committee of free conference on the part of the Senate appointed to take into consideration with a similar committee on the part of the House, the disagreeing votes of the two Houses on the bill of the Senate entitled,

"An act to locate a state road from Greencastle in Putnam county via Jamestown and Lebanon in Boone county to the Michigan road in Clinton county.

The Senate has passed an engrossed bill of the House, entitled an act establishing a state bank with amendments, in which the concurrence of the House of Representatives is requested.

The amendments made by the Senate to the bill of the House last named in said message were read severally.

Mr. Brown of T., moved to amend the said fifth amendment by inserting after that clause thereof which directs the directors of the state bank to locate a branch in the north west district after three years, these words, "or sooner, if the directors of the state bank deem the same expedient;"

Which motion did not prevail.

The said 5th amendment of the Senate was then concurred in.

Whereupon,

Mr. Evans moved to reconsider the said vote of concurrence.

Which motion did not prevail.

Mr. Hargrove moved to amend the 17th amendment of the Senate by striking out therefrom so much as provides that the election of the president of the the state bank shall be made by the concurring votes viva voce of both Houses of the General Assembly, separately, and provides the manner of determining a choice in case of the disagreement of the two Houses, and by inserting a clause that he be elected by joint ballot of both Houses.

Mr. Willett called for a division of the question.

The first branch thereof was thereupon put to wit, on striking out the matter proposed by Mr. Hargrove?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bennett, Brackenridge, Bradbury, Brady, Brown of T., Carter, Clark, Colerick, Craig, Davenport, Davis, De Pauw, Dorsey, Dunning, Edwards, English, Evans, Fairman, Ferguson, Foster, Fowler, Guion, Hardesty, Hargrove, Howell, Hughes, Jones, Kelso, Kilgore, Kiser, Leslie, M'Bean, M'Donald, Monroe, Moore, Nichols, Noble, Parker, Pearson, Reid, Smith of R., Steele, Stuart, Thompson, Vance, Vandever, Willett, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D. and Yocom—54.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Bramwell, Brown of L., Dunn, Fields, Gookins, Guard, Huntington, Levenworth, Smith of F., Smith of K., Snapp, Stafford, Stanford, Thornberry, Wallace, and Palmer, Speaker—18.

So the first branch of said question passed in the affirmative.

Mr. Carter moved to amend the motion of Mr. Hargrove by directing the election to be viva voce,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Bennett, Brackenridge, Bradbury, Brady, Bramwell, Brown of T., Carter, Colerick, Davenport, Davis, Dunn, Dunning, Edwards, English, Evans, Fairman, Ferguson, Fields, Fowler, Gookins, Guard, Hardesty, Howell, Hughes, Jones, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Parker, Pearson, Reid, Smith of F., Smith of R., Stanford, Steele, Stuart, Thompson, Thornberry, Vance, Vandever, Wallace, Wilson, Woodruff, Wright of P. and D., Yocom and Palmer Speaker—53.

*And those who voted in the negative, are*

Messrs. Beem, Brown of L., Clark, Craig, De Pauw, Dorsey, Foster, Guion, Hargrove, Huntington, Moore, Nichols, Noble, Smith of K., Snapp, Stafford, Willett, Williams and Wright of P.—19.

So the said amendment was amended as proposed by Mr. Carter.

The said amendment as amended was then agreed to by the House.



Mr. Willet moved further to amend said 17th amendment of the Senate by adding thereto the following:

"Except as to the first president; and that shall be the first president of the state bank, his successors to be chosen heretofore as is above provided by this act,"

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Brown of L., Dunn, English, Huntington, Kilgore, McDonald, Noble, Smith of F., Smith of K. and Willett—10.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Brackenridge, Bradbury, Brady, Bramwell, Brown of T., Carter, Clark, Colerick, Craig, Davenport, Davis, De Pauw, Dorsey, Dunning, Edwards, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Jones, Kelso, Kiser, Leslie, Levenworth, M'Bean, Monroe, Moore, Nichols, Parker, Pearson, Piercy, Reid, Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Thornberry, Vance, Vandever, Wallace, Williams, Wilson, Woodruff, Wright of P., Wright P. and D., and Yocom and Palmer, Speaker—63.

So said motion was decided in the negative.

Mr. Colerick moved to reconsider the vote on the motion of Mr. Carter to amend the amendment proposed by Mr. Hargrove to said amendment of the Senate.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Brady, Bramwell, Brown of L., Clark, Colerick, Craig, De Pauw, Dorsey, Dunning, Edwards, Fairman, Foster, Guard, Guion, Hargrove, Hughes, Kelso, M'Bean, Moore, Nichols, Thompson, Thornberry, Wallace, Williams and Wright of P.—27.

*And those who voted in the negative, are*

Messrs. Baber, Bennett, Brackenridge, Bradbury, Brown of T., Carter, Davenport, Davis, Dunn, English, Evans, Ferguson, Fields, Fowler, Gookins, Hardesty, Howell, Huntington, Jones, Kilgore, Kiser, Leslie, Levenworth, McDonald, Monroe, Noble, Parker, Pearson, Piercy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Vance, Van-

deveer, Willett, Wilson, Woodruff, Wright of P. and D., Yocom and Palmer, Speaker—16.

So said motion was decided in the negative,

And on the question to concur in said 17th amendment of the Senate as amended, it passed in the affirmative.

The 35th and 53d amendments of the Senate, were severally disagreed to by the House.

Mr. Dunn moved to stricken out the words "for which" in the 52d amendment of the Senate, and insert in lieu thereof the following: "and that no such amendment shall be made;"

Which motion passed in the affirmative.

The said amendment as amended was then agreed to,

And in the other amendments proposed by the Senate to said bill, the House concurred.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence in the amendments made by the House to the said 17th and 52d amendments of the Senate,

And then the House adjourned until to-morrow at 9 o'clock.

## THURSDAY MORNING, JANUARY 23, 1831.

The House met pursuant to adjournment.

Mr. Crume to whom leave of absence was heretofore granted, appeared and resumed his seat.

A message from the Senate by Mr. Sigler, a member.

MR. SPEAKER:

The Senate has passed a preamble and joint resolution relative to the 3 per cent. fund, in which they ask the concurrence of the House of Representatives.

Said preamble and joint resolution was twice read (the rules of the House having first been dispensed with,) and ordered to be read a third time to-morrow.

A message from the Senate by Mr. Morris their secretary.

MR. SPEAKER:

The Senate has passed, without amendment, engrossed bills of the House, entitled as follows:

An act to locate a state road from Milton in Wayne county, to Murceytown in Delaware county;

An act to relocate a part of the Martinsville, Danville and Frankfort state road, and for other purposes;

An act to change the name of Williamsburgh in Clay county;  
An act for the relief of Thomas Neely of Putnam county: and  
An act to vacate a part of the state road therein named.

The Senate has also passed engrossed bills of the Senate, entitled as follows:

An act to locate a part of the state road from Levenworth to Paoli;

An act to authorise John M. Lemon, John Brown, David Dinwiddie and Andrew Burnsides to build a toll bridge across the Kankakee river;

An act to locate certain state roads therein named;

An act to establish a state road therein named;

An act to locate and establish a state road from Madison by Paris and Brownstown to Bloomington; and

An act to vacate the town of Millville in Fountain county.

In which bills of the Senate I am instructed to ask the concurrence of the House of Representatives.

The bill of the Senate first named in said message was read the first time and passed to a second reading.

The bills secondly and fifthly named in said message were severally twice read (the rules of the House having first been dispensed with) and ordered to be read a third time to-morrow.

The bill thirdly named in said message was twice read (the rules of the House having first been dispensed with)

When Mr. Brown of L. moved to commit the same to a select committee.

Mr. Huntington moved to amend said motion so as to commit the same to a committee of the whole House;

Which motion prevailed.

Ordered, That said bill be committed to a committee of the whole House for to-morrow.

The bill of the Senate fourthly above named in said message was twice read (the rules of the House having first been dispensed with) and committed to a select committee of Messrs. Bramwell, Kiser and Beem.

The bill of the Senate last named in said message was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Bigger presented a petition of Peter Grafford praying to be divorced from his wife Cassander;

Which was read and referred to a select committee of Messrs. Bigger, Dunn and Evans.

Mr. Dunn presented a letter from M. C. Vanpelt on the same subject;

Which was read and referred to the same select committee.

Mr. Bigger presented a petition of Erastus Porter and others relative to the 3 per cent. fund appropriated to Rush county:

Which was read and committed to the same committee of the



whole to which a bill authorising a loan for internal improvements and pledging the 3 per cent. fund for the payment thereof, is committed.

Mr. Crume presented a certificate of the Clerk of the Fayette circuit court relative to the reveue of said county;

Which was read and referred to the committee on claims.

Mr. Williams presented a petition of R. Steel and others praying a change in the manner of electing county commissioners;

Which was read and referred to the committee of elections.

Mr. Nichols presented a petition of John Tinchier praying to be divorced from his wife Polly;

Which was read and referred to a select committee of Messrs. Dunning, Nichols and Stafford.

Mr. Colerick presented a petition of Timothy Woodbridge and others praying a State road from the county seat of Elkhart to the county seat of Lagrange counties;

Which was read and referred to the committee on roads.

Mr. Stuart presented the remonstrances of Wathen & Gilmore and Samuel Merriweather and others, against making the bridge built by George White across Silver creek, a toll bridge;

Which were severally read and laid on the table.

On motion of Mr. Wright of Parke,

The petition presented by himself and laid on the table on the 20th Dec., on the subject of building a bridge across Big Raccoon creek, was taken up and committed to the same committee of the whole to which is committed a bill authorising a loan for internal improvement, and pledging the 3 per cent. fund for the payment thereof.

Mr. Leslie from the committee on education, to which that subject was referred, reported a bill to amend an act incorporating Congressional townships and providing for public schools therein, approved Feb. 2nd, 1833;

Which was read the first time and passed to a second reading.

Mr. Reid made the following report;

Which was read and concurred in, and the committee discharged;

The committee on military affairs, to which was referred the petition of George Land and others, on the subject of an amendment to the militia law, have had the same under consideration and have directed me to report that it is unnecessary to legislate on the subject referred to in said petition, at this time. and ask to be discharged from the further consideration of the same.

Mr. Reid from the same committee to which was referred a petition and resolution on the subject of collecting militia fines, reported a bill to amend an act to organise and regulate the militia of the state of Indiana, approved Feb. 10th, 1831;

Which was twice read (the rules of the House having first been dispensed with) when

Mr. Reid moved to amend the same by adding the following as an additional section:

"Be it further enacted, that so much of the act to which this is an amendment as requires non-commissioned company officers to attend drill musters, with the exception of orderly sergeant, be and the same is hereby repealed.

Mr. Smith of F. moved to commit said bill and proposed amendment to a committee of the whole House for to-morrow;

Which motion did not prevail.

The question recurred on the motion to amend as proposed by Mr. Reid,

And passed in the affirmative.

Mr. Smith of F. moved to further amend the bill by adding thereto the following: "That all officers, whether commissioned, or non commissioned may be exempted from the performance of military duty by bringing themselves within the provisions of an act entitled an act for the encouragement of education."

Mr. English moved to amend said proposed amendment by adding thereto the following: "That the paymaster of each regiment shall be bound in his individual capacity for all costs that may accrue, in all cases that he may fail in, before any justice of the peace, commenced in his capacity as paymaster;"

Which motion was decided in the negative.

The question was then put on the amendment proposed by Mr. Smith of F.,

And decided in the negative.

On motion of Mr. Dorsey,

Said bill was further amended by adding the following as an additional section:

SEC. That no person subject to military duty shall be enabled to avail themselves of the provisions of the act entitled "an act for the encouragement of education," approved February 2nd, 1833, unless they shall have made payment as by said act required, on or before the first day of April of each year, to the officer of said county having charge of the seminary fund, or to the school commissioner of the school fund of his proper township.

Mr. Evans moved to reconsider the vote taken on the adoption of the last above named amendment;

Which motion was decided in the negative.

Mr. Davis moved to further amend the bill as follows: "Strike out all that relates to justices of the peace collecting fines, and make it the duty of the court of appeals to appoint a constable to collect all fines by them confirmed;"

Which motion did not prevail.

On motion of Mr. Fowler,

Said bill was further amended as follows: "That all monies which may come into the hands of any school commissioner under the provisions of an act for the encouragement of education shall

be for the use and benefit of the school district in which the person paying the same resides."

Mr. Smith of R. moved further to amend the same by adding thereto the following proviso: "*Provided*, That no person shall be permitted to avail himself of the provision of an act entitled an act for the encouragement of education by paying a less fine than the lowest fine assessed upon privates for failing or refusing to attend musters;"

Which motion was decided in the negative.

The question was then put,

Shall the bill be engrossed and read a third time to-morrow?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Brackenridge, Brown of L., Brown of T., Clark, Colerick, Dorsey, Dunn, Evans, Fairman, Fields, Guion, Howell, Hughes, Kelso, Kilgore, Leslie, Nichols, Noble, Reid, Smith of R., Snapp, Stafford, Vance, Vandever, Williams, Wright of P., Wright of P. and D. and Palmer, Speaker—30.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Bennett, Bradbury, Brady, Bramwell, Craig, Crume, Davenport, Davis, De Pauw, Edwards, English, Ferguson, Foster, Fowler, Gookins, Guard, Hardesty, Hargrove, Huntington, Jones, Kiser, Levenworth, M'Bean, M'Donald, Monroe, Moore, Pearson, Piercy, Smith of F., Smith of K., Stanford, Steele, Stuart, Thompson, Thornberry, Wallace, Willett, Woodruff, and Yocom—41.

So said bill was rejected.

Mr. Hargrove made the following report:

The committee on claims, to which was referred a resolution of this House instructing them to enquire into the expediency of making an allowance to Samuel Bigger for services rendered the state, on that subject; report the following resolution:

*Resolved*, That the committee of ways and means be directed to allow Samuel Bigger in the specific appropriation bill, thirty-five dollars for his services in attending the Randolph, Wayne, Union, and Fayette circuit courts as prosecuting attorney pro tem at their fall term. in 1832.

Said resolution was read and agreed to.

Mr. Hargrove made a further report, as follows:

The committee on claims, to which was referred a resolution of this House instructing them to enquire into the expediency of making an allowance to Caleb B. Smith for services rendered the state, on that subject, reported the following resolution:



*Resolved*, That the committee of ways and means be directed to allow Caleb B. Smith in the specific appropriation bill, ten dollars for his services in attending the Randolph county circuit court as prosecuting attorney pro tem. at its term in February, 1833.

Said resolution was read and adopted.

Mr. Steele made the following report, which was read and concurred in:

The committee on roads, to which was referred a petition and remonstrance of sundry citizens of Lawrence, Washington and Orange counties, praying an alteration in a state road leading from the town of Bedford, in Lawrence county, to Beck's mill in Washington county—have had the same under consideration, and deem it useless to further legislate upon this subject at this time.

Mr. Evans moved to take up the report of the committee on canals and internal improvements, made on his resolution relative to an extension of the Wabash canal and a survey on the south side of the river to Covington, together with his motion to recommit the same, laid on the table on the 24th instant;

Which motion was decided in the negative.

Mr. Thompson, from the select committee to which were referred sundry documents on that subject, reported a bill to establish a ferry or ferries across the Ohio river at Jeffersonville in the county of Clark, and for other purposes;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Davis from the select committee to which was referred a petition on that subject, reported a bill to establish a state road from Morristown in Shelby county, to Vernon in Jennings county;

Which was read the first time and passed to a second reading.

Mr. M'Bean from the select committee to which was referred a resolution on that subject, reported a bill to attach the county of Carroll to the first judicial circuit, and for other purposes;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Kilgore from the select committee to which was referred a petition on that subject, reported a bill to provide for the location of the Munceytown and Fort Wayne state road;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

A message from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER,

His Excellency the Governor did, this day approve and sign,

An act for the relief of William C. Bramwell; and  
 An act changing the time of holding the circuit courts in certain counties therein named, and the probate court in the county of Posey;  
 Which originated in the House of Representatives.  
 And then the House adjourned until 2 o'clock, P.M.

2 o'clock, P. M.

The House met pursuant to adjournment.

A message from the Senate by Mr. Morrison their Assistant Secretary.

MR. SPEAKER:

The Senate has disagreed to the 1st amendment of the House of Representatives, to the 17th amendment of the Senate to the engrossed bill of the House, entitled "an act establishing a state bank;" concurred in the 2d amendment of the House to the Senate's 52d amendment, and insisted on the 35th and 53d amendment of the Senate, disagreed to by the House.

On motion of Mr. Dunn,

The House insisted on their disagreement to the said 35th and 53d amendments of the Senate and on their amendment to the said 17th amendments of the Senate to the bill named in said message, and thereupon

Messrs. Dunn and Hargrove were appointed a committee of free conference on the part of the House to take into consideration, with a similar committee to be appointed on the part of the Senate, the disagreeing votes of the two Houses on the subject of said amendments.

Ordered, That the clerk inform the Senate thereof.

The House then proceeded to consider the orders of the day.

Bills of the following titles, to-wit:

The bill to legalize the proceedings of the county commissioners in Bartholomew county at their January term, 1832;

The bill to amend an act entitled an act for the encouragement of education, approved Feb. 2nd, 1833;

The bill to amend an act entitled an act dividing the state into judicial circuits and fixing the time of holding courts therein, and for other purposes, approved Feb 10th, 1831,

The bill attaching certain unorganized territory to the county of Laporte for judicial purposes;

The bill to relocate a part of the state road leading from the Cumberland road to the Lafayette road;

The bill to vacate the town of Union in Boone county, in the State of Indiana;

The bill to amend an act entitled an act organizing circuit courts and defining their powers and duties, and for other purposes;

The bill to regulate the fees of the commissioners of Grant county; and

The bill to declare a certain road therein named to be a state road;

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The joint resolution relative to the franking privilege,

Was read the second time.

Mr. Smith of R. moved to commit the same to a committee of the whole House for to-morrow;

Which motion did not prevail.

Said joint resolution was then ordered to be engrossed and read a third time to-morrow.

The bill to authorise Daniel Bales of Morgan county to pay over to James T. Hadley the sum of fifteen dollars out of a road fund in his hands,

Was read a second time.

On motion of Mr. Stafford,

Said bill was amended by adding to the first section the following proviso: "*Provided*, however, the said Bales shall not be required to refund said sum of fifteen dollars if he has heretofore appropriated it on any state road in Morgan county."

*Ordered*, That said bill be engrossed and read a third time to-morrow.

On motion of Mr. Dunn,

The engrossed bill from the Senate to incorporate the Rising Sun insurance company, heretofore laid on the table was taken up, and

On the question to concur in the second amendment reported thereto by the select committee, (depending when the bill was last under consideration,)

It passed in the affirmative.

*Ordered*, That said amendments be engrossed, and the bill read a third time to-morrow.

The bill to repeal "an act regulating medical societies," approved January 30, 1830,

Was read the second time.

Mr. Stanford moved to postpone it indefinitely;

And the ayes and nays being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Bennett, Bigger, Brackenridge, Bradbury, Bramwell, Brown of L., Brown of T., Colerick, Craig, Crume, Davis, De Pauw, Dorsey, Dunn, Edwards, English, Evans, Fairman, Foster, Fowler, Gookins, Hardesty, Hargrove, Hughes, Jones, Kilgore, Leslie, M'Donald, Nichols, Piercy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Thornberry, Vance, Wallace, Willett, Wil-



liams, Wright of P., Wright of P. & D., and Palmer, Speaker—50.

*And those who voted in the negative, are*

Messrs. Angle, Beem, Brady, Carter, Davenport, Dunning, Ferguson, Fields, Guion, Howell, Huntington, Kelso, Kiser, Levenworth, Monroe, Moore, Vandever, Woodruff, and Yocom—20.

So said bill was indefinitely postponed.

Engrossed bills from the Senate of the following titles:

An act in amendment to an act, entitled "an act to quiet certain titles in Mount Vernon and for the benefit of Thomas Givens:

An act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831;

An act to locate a state road from Jamestown, in Boone county, by the way of Russellville, in Putnam county, to intersect the state road from Crawfordsville to Rockville; and

An act to incorporate the Indiana teacher's seminary;

Were severally read the second time, and ordered to be read a third time to-morrow.

On motion of Mr. Hardesty,

The bill to amend an act entitled "an act incorporating congressional townships and providing for public schools therein," approved February 2, 1833, heretofore laid on the table, was taken up

Mr. Leslie moved to amend said bill by adding thereto the following: "That it shall be the duty of the circuit court of each county, at their winter and spring term in each year, to appoint three suitable persons as examiners of teachers, who shall be sworn to certify the truth to the best of their abilities.

SEC. It shall be the duty of the examiners so appointed to examine each person who shall apply for examination as a common school teacher, and give to such person a certificate of the branches which they or either of them consider such person qualified to teach.

SEC. The district trustees may be guided by such certificate so far as they deem advisable in the employment of a teacher."

Pending the question thereon, the said bill was,

On motion of Mr. Smith of F.,

Committed to a committee of the whole House for to-morrow.

Mr. Bennett, from the joint committee of enrolled bills reported that they have on this day presented to His Excellency the Governor, for his approval and signature, bills entitled acts as follows, viz:

An act for the relief of Wm. C. Bramwell;

An act to authorize an asylum for the poor of the counties of Franklin, Fayette and Union; and

An act changing the time of holding the circuit courts in certain counties therein named, and the probate court of Posey county;  
A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER:

The Senate continue to insist on their 35th and 53d amendment, and their disagreement the amendment of the House to their 17th amendments to the engrossed bill of the House establishing a state bank, and have appointed Messrs. Hillis and Morgan a committee of free conference on the part of the Senate to take into consideration with the committee appointed by the House, the disagreeing votes of the two Houses on the subject of said amendments.

The bill to amend an act entitled "an act for assessing and collecting the revenue," approved February 10, 1831,

Was read the second time.

Mr. Thompson moved to commit it to a committee of the whole House for to-morrow.

Mr. Smith of R. moved to amend said motion by making the reference to the same committee of the whole House to which is committed the bill to amend the same act and providing for a more uniform mode of taxation;

Which motion prevailed,

And the said bill was committed accordingly.

The bill to incorporate the New Albany and Jeffersonville rail road company was read the second time, and

On motion of Mr. Dorsey,

The same was amended by adding the following clause and section at the end of section 27, to-wit:

"This act shall be taken and deemed a public act in all courts of law and equity, and shall be favorably construed for all beneficial purposes.

Sec. 28. This act to take effect and be in force from and after its passage."

The rules of the House being then, for that purpose dispensed with, the said bill was considered as engrossed, read the third time and passed.

*Ordered*, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The bill to declare the true intent and meaning of the law giving justices of the peace jurisdiction in cases where executors, administrators and guardians are plaintiffs; and

The bill to amend an act entitled "an act to provide for the commissioning of sheriffs and coroners, and to regulate their duties," approved Feb. 7, 1824,

Were severally read the second time and committed to a committee of the whole house for to-morrow.

The bill to regulate the weight of grain was read a second time and committed to the same committee of the whole House

to which is committed the bill providing for the inspection of flour, whiskey, and other articles.

The bill to amend an act entitled "an act relative to crime and punishment," approved Feb. 10th, 1831,

Was read the second time, and

On motion of Mr. Smith of F.,

Indefinitely postponed.

The bill relative to fees and voluntary prosecutors in criminal cases was read the second time.

Mr. Angle moved to postpone the farther consideration thereof indefinitely.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bennett, Brackeridge, Bradbury, Brown of T., Carter, De Pauw, Dunn, Dunning, English, Evans, Ferguson, Fields, Foster, Fowler, Hardesty, Howell, Hughes, Jones, Kilgore, Levenworth, McDonald, Piercy, Reid, Smith of F., Smith of R., Snapp, Stanford, Steele, Thornberry, Vandever, Willett, Wright of P. and Palmer, Speaker—35.

*And those who voted in the negative, are*

Messrs. Bigger, Brady, Bramwell, Brown of L., Clark, Cole-  
rick, Craig, Crume, Davenport, Davis, Doisy, Edwards, Fair-  
man, Gookins, Guion, Hargrove, Kelso, Kiser, Leslie, McBean,  
Monroe, Moore, Nichols, Noble, Pearson, Smith of K., Stafford,  
Stuart, Thompson, Vance, Wallace, Williams, Woodruff, Wright  
of P. and D. and Yocom—35.

So said bill was indefinitely postponed.

On motion of Mr. Evans,

The several orders of the day which precede the bill to sub-  
ject chsces in action and equitable titles to real property to the  
payment of debts were for the present postponed, and the House  
proceeded to consider said bill.

On motion of Mr. Evans,

The committee of the whole House to which it was commit-  
ted, were discharged from its further consideration.

On motion of Mr. Pearson,

The latter clause of the bill declaring it in force from its pub-  
lication in the Indiana Journal was stricken out.

A motion was made by Mr. Wallace to lay the bill on the ta-  
ble,

And being put, it was decided in the negative,

And on the question,

Shall the bill be engrossed and read a third time to-morrow?

The ayes and noes being requested thereon by two mem-  
bers,



*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Brackenridge, Brady, Brown of L., Brown of T., Clark, Colerick, Dunn, Evans, Fairman, Guion, Hardesty, Hargrove, Huntington, Kelso, Leslie, M'Bean, M'Donald, Moore, Pearson, Smith of F., Steele, Stuart, Thornberry, and Wright of P.—26.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Bradbury, Bramwell, Carter, Craig, Crume, Davenport, Davis, De Pauw, Dorsey, Dunning, Edwards, English, Ferguson, Fields, Foster, Fowler, Gookins, Howell, Jones, Kilgore, Kiser, Levenworth, Monroe, Nichols, Noble, Piercy, Reid, Smith of K., Smith of R., Snapp, Stafford, Stanford, Thompson, Vance, Vandever, Wallace, Willett, Williams, Woodruff, Wright of P. and D., Yocom and Palmer, Speaker—44.

So said bill was rejected.

The bill to enable feme coverts under twenty one years of age, to join with their husbands to convey real estate,

Was read the second time.

Mr. Carter moved to postpone its further consideration indefinitely,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bradbury, Brady, Brown of L., Carter, Clark, Craig, Crume, Davis, De Pauw, Dorsey, Dunning, English, Ferguson, Fields, Foster, Fowler, Guion, Jones, Kiser, Levenworth, M'Donald, Moore, Noble, Piercy, Smith of K., Snapp, Stuart, Thompson, Thornberry, Vandever, Willett, Woodruff, Yocom and Palmer, Speaker—36.

*And those who voted in the negative, are*

Messrs. Angle, Bigger, Brackenridge, Bramwell, Brown of T., Colerick, Davenport, Dunn, Edwards, Evans, Fairman, Gookins, Hardesty, Hargrove, Howell, Huntington, Kelso, Kilgore, Leslie, M'Bean, Monroe, Nichols, Pearson, Reid, Smith of F., Smith of R., Stafford, Stanford, Steele, Vance, Wallace, Williams, Wright of P., and Wright of P. and D.—34.

So said bill was indefinitely postponed.

And then the House adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING, JANUARY 24, 1831.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from S. Penn, Jr., accompanied by a memorial to the Congress of the U. States, praying that the stock held by individuals in the "Louisville and Portland canal company," may be purchased by the U. States, and the Ohio river made free for the navigation of all.

Which was read and referred to the committee on canals and internal improvements.

Mr. Dunn made the following report:

MR. SPEAKER:

The committee appointed on the part of the House of Representatives to confer with the committee on the part of the Senate, on the subject of the disagreement of the House to the 35th and 53d amendments made by the Senate to the bill of the House establishing a State bank, and the disagreement of the Senate to the amendment made by the House to the 17th amendment of the Senate to the same bill, have performed that duty and now report,

That the committee of free conference have agreed that the Senate shall recede from their said 35th and 53d amendments, and that the bill of the House shall be amended in those particulars as follows:

After the word "indebted" in the 10th line of the 97th section insert "exclusive" of deposits,"

And after the word "bank" in the 13th line insert the following: "and such permission shall only be given in cases when one branch shall loan to another branch part of its funds to be used for a definite time and such permission shall only extend to such period of time."

Making the whole sentence read thus:

"Nor shall any branch at any time have due or owing to it, or be indebted (exclusive of deposits) in a larger sum than twice the amount of its capital stock actually paid in, without express permission from the board of directors of the state bank; and such permission shall only be given in cases where one branch shall loan to another branch a part of its funds to be used for a definite time, and such permission, shall only extend to such period of time."

In the 40th section strike out the word "half" in the 4th line and insert "quarter."

Making the sentence to read,

"The directors of the state bank shall have power to limit and control the amount of discounts and loans of the branches after they shall amount to once and a quarter the amount of capital stock paid in."

They have also agreed that the House shall recede from their

amendment to the Senate's 17th amendment and that the said 17th amendment shall be amended by striking out the words "a vote viva voce," and inserting "ballot" in the 2d line, and by striking out the last proviso and inserting a substitute, so that the same shall read thus:

"The president of the state bank shall be elected by the General Assembly by ballot of each house separately: *Provided*, that no person shall be elected as such President unless he gets a separate majority of the votes given by each House: *Provided*, however, that after three attempts at an election as aforesaid should no concurring choice be made, the two Houses shall proceed to elect the said president by joint ballot of both Houses, and the person obtaining a majority of all the votes given on such joint ballot shall be declared duly elected as in other cases."

The first and second branches of said report were severally read and concurred in by the House.

The question was then put,

Will the House concur in the 3d and last branch of said report?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bennett, Bigger, Bramwell, Brown of L., Colerick, Davis, Duane, Edwards, English, Fairman, Fields, Foster, Gookins, Guard, Huntington, Kelso, Kilgore, Nichols, Pearson, Reid, Smith of F., Smith of K., Snapp, Stuart, Wallace, Williams, Wright of P., Yocom and Palmer, Speaker—31.

*And those who voted in the negative, are*

Messrs. Baber, Brackenridge, Bradbury, Brady, Brown of T., Carter, Clark, Craig, Crume, Davenport, De Pauw, Dorsey, Duning, Evans, Ferguson, Fowler, Guion, Hardesty, Howell, Hughes, Jones, Kiser, Leslie, Levenworth, McBean, McDonald, Monroe, Moore, Noble, Parker, Piercy, Smith of R., Stafford, Stanford, Steele, Thompson, Thornberry, Vance, Vandevort, Willett, Wilson, Woodruff, and Wright of P. and D.—13.

So the House disagreed to the third branch of said report.

*Ordered*, That the clerk inform the Senate thereof.

On motion of Mr. Smith of F.,

The several previous orders of the day were postponed, and the House proceeded to consider bills on their third reading.

The bill to relocate part of the state road from Madison to Indianapolis,

Was read a third time, and

On motion of Mr. Palmer, (Mr. Davis occupying the chair at the time,)

*Ordered*, That the same do lie on the table.



Engrossed bills, memorial and joint resolution of the following titles, to-wit:

A bill to incorporate the Perry county seminary;

A bill to appoint commissioners on the state road from Fredonia to the mouth of the Wabash, and for other purposes;

A bill to incorporate the Indianapolis and Lafayette rail road company;

A bill to incorporate the town of Lafayette, and

A memorial and joint resolution to the Congress of the United States,

Were severally read the third time and passed.

*Ordered*, That said bills be entitled acts, and that the clerk carry them together with said memorial and joint resolution to the Senate and ask their concurrence.

The engrossed bill extending the jurisdiction of justices of the peace in actions of trespass and replevin to \$50,

Was read a third time.

The question was then put,

Shall said bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bennett, Bigger, Bradbury, Brady, Brown of L., Brown of T., Carter, Clark, Craig, Crume, Davenport, Davis, Dorsey, Dunning, Edwards, Evans, Fairman, Ferguson, Fields, Foster, Gookins, Guion, Hardesty, Howell, Hughes, Jones, Kelso, Kilgore, Leslie, Levenworth, M'Bean, Monroe, Moore, Nichols, Parker, Piercy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Steele, Thornberry, Vance, Vandever, Wallace, Willett, Wilson, Woodruff, Yocom and Palmer, Speaker—54.

*And those who voted in the negative, are*

Messrs. Brackenridge, Bramwell, Colerick, Dunn, English, Fowler, Huntington, Kiser, M'Donald, Pearson, Stanford, Stuart, Thompson, Williams, Wright of P. and Wright of P. and D.—17.

So said bill passed.

*Ordered*, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill to authorize the collectors of the several counties in this state to collect a tax on non-resident covering horses,

Was read the third time and passed.

On motion of Mr. M'Donald,

The title was amended so as to read as follows: an act to amend an act entitled an act for assessing and collecting the revenue, approved Feb. 10. 1821

*Ordered*, That the clerk carry it to the Senate and ask their concurrence.

The engrossed joint resolution of the Senate in relation to horses lost by the rangers raised under the act of Congress, approved June 15th, 1832, for the defence of the northwestern frontier of the United States,

Was read the the third time and passed.

*Ordered*, That the clerk inform the Senate thereof.

The engrossed bill supplemental to an act to establish a college in the state of Indiana,

Was read the third time, amended by unanimous consent, and

On motion of Mr. Dunning,

*Ordered*, That the same do lie on the table.

The engrossed bill for the formation of Tecumseh county,

Was read the third time and passed.

On motion of Mr. Brown of T.,

The title of said bill was amended, so as to read,

An act for the formation of White county.

*Ordered*, That the clerk inform the Senate thereof, and ask their concurrence.

The engrossed bill to locate a state road from Connersville to St. Omer,

Was read the third time, and

On motion of Mr. Crume,

Recommitted to a select committee composed of the members from the counties of Fayette, Rush and Decatur.

Mr. Bennett, from the joint committee on enrolled bills, reported, that they have compared the enrolled with the engrossed bills entitled acts, as follows, to wit:

An act for the relief of Thomas Neely of Putnam county, Indiana;

An act to locate state road from Milton, in Wayne county, to Munceytown in Delaware county;

An act to change the name of Williamsburgh in Clay county;

An act to relocate a part of the Martinsville, Bellville, Danville and Earl fort state road, and for other purposes; and

An act to vacate a part of a state road therein named;

And find the same truly enrolled.

Whereupon,

The Speaker signed said bills.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

And the House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Brown of T. moved to reconsider the vote taken this mor-

ning, disagreeing to the 3d branch of the report of the committee of free conference appointed on part of the two Houses to take into consideration their disagreeing votes on the subject of the Senate's 35th and 52d amendments, and the amendment of the House to the 17th amendment of the Senate to the engrossed bill of the House establishing a state bank,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bennett, Bigger, Brady, Bramwell, Brown of L., Brown of T., Colerick, Davis, De Pauw, Dunn, English, Fairman, Fields, Foster, Fowler, Gookins, Guard, Guion, Hughes, Huntington, Kiser, McDonald, Nichols, Pearson, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stuart, Thornberry, Vance, Wallace, Williams, Wright of P., Yocom and Palmer, Speaker—39.

*And those who voted in the negative, are*

Messrs. Baber, Brackenridge, Bradbury, Carter, Clark, Craig, Crume, Davenport, Dorsey, Dunning, Edwards, Evans, Ferguson, Hardesty, Howell, Jones, Kelso, Kilgore, Levenworth, M'Bean, Monroe, Moore, Noble, Parker, Piercy, Stanford, Steele, Thompson, Vandever, Willett, Wilson, Woodruff and Wright P. and D.—33.

So said vote was reconsidered.

The question recurring,

It was thereupon put,

Will the House concur in the third branch of said report?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bennett, Bigger, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Davis, De Pauw, Dunn, Edwards, English, Fairman, Fields, Foster, Fowler, Gookins, Guard, Guion, Hughes, Huntington, Kiser, McDonald, Nichols, Pearson, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stuart, Thornberry, Vance, Wallace, Williams, Wright of P., Yocom and Palmer, Speaker—41.

*And those who voted in the negative, are*

Messrs. Baber, Brackenridge, Bradbury, Carter, Craig, Crume, Davenport, Dorsey, Dunning, Evans, Ferguson, Hardesty, How-



ell, Jones, Kelso, Leslie, Levenworth, M'Bean, Monroe, Moore, Noble, Parker, Piercy, Stanford, Steele, Thompson, Vandever, Willett, Wilson, Woodruff and Wright of P. and D.—31.

So the House concurred in the third branch of said report.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Huntington, after having obtained leave, moved the following resolution:

*Resolved*, That the House reciprocate the resolution of the Senate fixing on to morrow at 10 o'clock A. M. for the election of a commissioner on the Michigan road;

Which was read, when

Mr. Smith of R. moved to lay the same on the table,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bigger, Brackenridge, Brady, Brown of L., Brown of T., Carter, Clark, Craig, Davis, De Pauw, Dorsey, Dunning, English, Foster, Fowler, Guion, Hardesty, Kiser, Leslie, Levenworth, M'Bean, Monroe, Moore, Parker, Pearson, Piercy, Smith of R., Stafford, Thornberry, Vance, Vandever, Willett, Williams, Wilson and Wright of P. and D.—36.

*And those who voted in the negative, are*

Messrs. Bennett, Bradbury, Bramwell, Colerick, Crume, Davenport, Dunn, Edwards, Evans, Fairman, Ferguson, Fields, Gookins, Howell, Hughes, Huntington, Jones, Kilgore, M'Donald, Nichols, Reid, Smith of F., Smith of K., Snapp, Stanford, Steele, Stuart, Thompson, Wallace, Woodruff, Wright of P., Yocom and Palmer, Speaker—33.

So said resolution was laid on the table.

A message from the Senate by Mr. Morrison their Assistant Secretary,

**MR. SPEAKER:**

The Senate has concurred in the report of the committee of free conference on the disagreement of the two Houses, on the engrossed bill of the House of Representatives, entitled "an act establishing a state bank,"

A message from the Senate by Mr. Morris their Secretary:

**MR. SPEAKER:**

The Senate has passed bills of the House of Representatives entitled, as follows:

An act to alter and re-establish the charter of the town of Richmond;

An act to authorize the Marion board of commissioners to hold a special session;

An act supplemental to an act or acts incorporating the borough of Vincennes;

An act changing the time of holding courts in the 8th judicial circuit, and

An act to incorporate the town of Centreville;

All without amendment except the last named bill.

The Senate has also passed engrossed bills of the Senate entitled as follows:

An act providing means for the Wabash and Erie canal;

An act to incorporate the Vincennes steam paper manufacturing company;

An act providing for the erection of a slope over Tannehill's mill dam in the county of Bartholomew;

An act to relocate a part of the state road leading from Williamsport in Warren county to the state line in the direction of Danville Illinois;

An act to provide for the election of a justice of the peace in the town of Pendleton;

An act attaching certain territory therein named for judicial purposes;

An act for the suppression of gaming;

An act to legalize the sale of the town lots in the town of New Castle and for other purposes;

An act to provide for the printing of the laws of a general nature in the several newspapers of this state;

An act for the further improvement of the Michigan road, and

An act to authorize the location of a state road from Decatur county to the South Bend in St. Joseph county;

In which bills of the Senate and the amendment proposed to the bill of the House the concurrence of the House of Representatives is requested.

The amendment made by the Senate to the bill of the House fifthly named in said message was read and agreed to.

The engrossed bill of the Senate first named message, was twice read (the rules of the House having first been dispensed with) and committed to the same committee of the whole House to which a bill of the House of the same title is committed.

The 2d, 4th, 5th, 6th and 8th bills of the Senate named in said message were severally three times read, (the rules of the House having first been dispensed with) and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The bill of the Senate thirdly named in said message was twice read (the rules of the House having first been dispensed with) and ordered to be read a third time to-morrow.

The bills seventhly and ninthly named in said message were severally read the first time and passed to a second reading.

The bill tenthly named in said message was twice read (the rules of the House having first been dispensed with.)

Mr. Huntington moved to commit the same to a committee of the whole House for to-morrow.

Mr. Crume moved to amend said motion so as to make said bill the special order of the day for to-morrow;

Which motion passed in the affirmative.

Said bill was thereupon committed accordingly.

The bill of the Senate last named in said message was twice read (the rules of the House having first been dispensed with) and committed to a select committee of Messrs. Bigger, Kilgore, Cole-rick and Fowler.

On motion of Mr. Huntington,

The several orders of the day which precede the bill for the further improvement of the Michigan road and for other purposes, were postponed and the House proceeded to consider said bill.

Said bill was read the second time, and

On motion of Mr. Huntington committed to the same committee of the whole House, to which a bill from the Senate of the same title is committed and made the special order of the day for to-morrow.

Mr. Crume, after having obtained leave, presented the follow-  
certificate:

I certify that the collector of Fayette county for the year 1833, has only had credit for 200 delinquent polls as per clerk's certificate,

Jan. 23d, 1834.

MORRIS MORRIS, A. P. A.

Which was read and referred to the committee on claims.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER:

The Senate adhere to their vote of concurrence in the report of the committee of free conference appointed on the part of the two Houses to take into consideration their disagreeing votes on the subject of the Senate's 35th and 53d amendments, and the amendment of the House to the 17th amendment of the Senate to the engrossed bill of the House establishing a state bank.

The Senate has passed without amendment an engrossed bill of the House entitled,

"An act for the relief of Rebecca M'Kown.

A further message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

I am directed by the Senate to inform the House of Represen-



tatives that the Senate has adopted the following resolution:

*Resolved*, That on to-morrow at 10 o'clock A. M. the Senate will (the House of Representatives concurring therein.) meet the House of Representatives in their Hall for the purpose of electing a commissioner of the Michigan road in the place of William Polk, whose term of service has expired.

Mr. Kilgore from the select committee to which was referred a petition on that subject, after having obtained leave, reported a bill to provide for the location of the Huntington and New Cumberland State road,

Which was three times read, (the rules of the House having first been dispensed with) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Bramwell from the select committee to which was committed an engrossed bill of the Senate establishing a state road therein named, after having obtained leave, reported the same without amendment.

Said bill was ordered be read a third-time to-morrow.

Mr. Fairman made the following report, which was read and concurred in:

The select committee to whom was referred the petition of Solomon Thomas and others of Grant county praying a relocation of the county seat of said county, have had the subject under consideration and as the committee are satisfied that there is not a majority of the citizens of said county petitioning for the same, a majority of the committee have directed me to report, that in their opinion it is inexpedient to legislate upon that subject.

Mr. Guard from the select committee to which was referred a petition on that subject, after having obtained leave, reported a bill to locate a state road in Dearborn and Ripley counties;

Which was three times read, (the rules of the House having first been dispensed with) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Kilgore, after having obtained leave, presented a bill to vacate the town of Darlington in Grant county;

Which was three times read (the rules of the House having first been dispensed with) and passed.

*Ordered*, That it be entitled an act and the clerk carry it to the Senate and ask their concurrence.

Mr. Dunning made the following report, which was read and concurred in:

The select committee to which was referred the petition of John Tincher, praying to be divorced from his wife Polly, have had that subject under consideration and a majority of said committee after mature reflection upon all the facts within their

knowledge, are of opinion that the prayer of the petitioner ought not, in justice to all the parties concerned, be granted;

And then the House adjourned until to-morrow at 9 o'clock.

## SATURDAY MORNING, JANUARY 25, 1834.

The House met pursuant to adjournment.

Mr. Evans, after having obtained leave, moved the following resolution, which was read and adopted:

*Resolved*, That the enrolling Clerk be authorized to employ such assistance as may be necessary to enable him to have the enrolling finished by the adjournment of the legislature, and that the committee of ways and means, be directed to provide compensation for such assistance in the specific appropriation bill.

Mr. Brady presented a petition of sundry citizens of Marion and Hendricks counties, praying a special law to authorize the sale of a certain school section;

Which was read and referred to a select committee of Messrs. Brady, Nichols and Stafford.

Mr. Stafford presented a petition of Jonathan Watkins and others, praying a change in the state road from Martinsville to Edinburgh;

Which was read and referred to a select committee of Messrs. Stafford, Nichols and Moore.

Mr. Davis presented a petition of John Ogg and others, praying a state road from Hill's mills in Rush county to intersect the Indianapolis and Brookville state road at or near Rezin Davis';

Which was read and referred to a select committee of Messrs. Davis, Foster and Kiser.

Mr. Dunn presented a petition of Nicholas Keeth and others, relative to the Switzerland county seminary;

Which was read and laid on the table.

Mr. Guion presented a petition of George Brown and others, on the same subject;

Which was read and laid on the table.

The Speaker laid before the House a letter from John Little, praying relief;

Which was read and laid on the table.

Mr. Colerick from the select committee to which was referred a petition on that subject, after having obtained leave, reported a bill to incorporate the Fort Wayne and St. Mary's bridge company;

Which was twice read (the rules of the House having first been dispensed with,) and ordered to be engrossed and read a third time on Monday next.

Mr. Fairman, after having obtained leave, moved the following resolution:

*Resolved*, That the chairman of the bank committee have printed for the use of the House two hundred copies of the act creating a state bank;

Which was read, when

Mr. Smith of F., moved to amend the same by striking out the words "two hundred" from said resolution and inserting in lieu thereof "2000."

Mr. Reid moved to lay said resolution and proposed amendment on the table:

Which motion did not prevail.

Mr. Clark moved to amend the motion of Mr. Smith of F., so as to order 3000 copies printed.

Mr. Brackenridge moved 1000.

The question was then put on the motion of Mr. Clark, to print 3000 copies,

And passed in the affirmative.

Mr. Kilgore moved to amend said resolution so as to provide that the expense of printing said act, shall be paid out of the funds of the bank;

Which motion was decided in the negative

Mr. Thompson moved to lay said resolution and proposed amendment on the table;

Which motion did not prevail.

On motion of Mr. Smith of R.,

Said resolution was amended by adding thereto, the following:

"And that the ayes and nays on the passage of said bill be appended thereto."

Mr. Crume moved further to amend said resolution, by inserting after the word "printed," these words, "in duodecimo pamphlet form, on good paper with suitable marginal notes."

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative are,*

Messrs. Angle, Bigger, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Craig, Crume, Davenport, Davis, Dorsey, Dunn, Edwards, Evans, Fairman, Foster, Fowler, Howell, Kelso, Kiser, Leslie, M'Bean, M'Donald, Monroe, Moore, Noble, Parker, Pearson, Smith of F., Thornberry, Vance, Wallace, Willett, Williams, Wilson, Woodruff, Wright of P. and Palmer, Speaker—41.

*And those who voted in the negative are,*

Messrs. Baber, Beem, Bennett, Brackenridge, Carter, De Pauw, Dunning, English, Ferguson, Fields, Gookins, Guard, Gui-



on, Hardesty, Hargrove, Hughes, Huntington, Jones, Kilgore, Levenworth, Nichols, Piercy, Reid, Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Vandever, and Wright of P. & D.—33.

So said amendment was adopted.

Said resolution as amended was then adopted.

Mr. Dunn moved to reconsider the vote taken on the adoption of the resolution,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Colerick, Crume, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hughes, Huntington, Jones, Kilgore, M'Bean, Monroe, Nichols, Pearson, Reid, Smith of F., Smith of K., Snapp, Stafford, Stanford, Steele, Stuart, Thornberry, Vandever, Williams, Wright of P., Wright of P. & D. and Palmer Speaker—45.

*And those who voted in the negative, are*

Messrs. Baber, Bennett, Bigger, Brackenridge, Craig, Davenport, Davis, Ferguson, Hargrove, Howell, Kelso, Kiser, Leslie, Levenworth, M'Donald, Moore, Noble, Parker, Piercy, Smith of R., Thompson, Vance, Wallace, Willett, Wilson, Woodruff, and Yocom—27.

So said vote was reconsidered.

Mr. Dunn moved to further amend said resolution by adding thereto the following proviso:

“Provided the same can be printed and delivered to the members of this House prior to its final adjournment.”

Mr. Craig moved to amend said proposed amendment so as to direct the printer (if they are not done before the adjournment of the Legislature,) to forward them to the members with the other acts;

Which motion did not prevail.

Said amendment as proposed by Mr. Dunn, was then agreed to by the House.

Mr. Willett moved to postpone the further consideration thereof indefinitely,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bennett, Brackenridge, Carter, Dunning, Ferguson, Fields, Hardesty, Hargrove, Kilgore, Levenworth, Nich-

ols, Piercy, Reid, Smith of R., Stanford, Steele, Thompson, Vandever, Willett and Williams—21.

*And those who voted in the negative, are*

Messrs. Baber, Bigger, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Craig, Crume, Davenport, Davis, De Pauw, Dorsey, Dunn, Edwards, English, Evans, Fairman, Foster, Fowler, Gookins, Guard, Guion, Howell, Hughes, Huntington, Jones, Kelso, Kiser, Leslie, M'Bean, M'Donald, Monroe, Moore, Noble, Parker, Pearson, Smith of F., Smith of K., Snapp, Stafford, Stuart, Thornberry, Vance, Wallace, Wilson, Woodruff, Wright of P., Wright of P. & D., Yocom and Palmer, Speaker—53.

So said resolution was not indefinitely postponed.

Mr. Clark moved to reconsider the vote taken on the adoption of the amendment proposed by Mr. Smith of R.,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bigger, Bradbury, Brady, Brown of L., Brown of T., Clark, Colerick, Crume, De Pauw, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Fields, Foster, Fowler, Gookins, Guard, Guion, Huntington, Jones, M'Bean, M'Donald, Nichols, Pearson, Reid, Smith of F., Smith of K., Snapp, Stafford, Stanford, Thornberry, Vance, Wallace, Williams, Woodruff, Wright of P., Wright of P. & D., Yocom and Palmer, Speaker—43.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Brackenridge, Bramwell, Carter, Craig, Davenport, Davis, Ferguson, Hardesty, Hargrove, Howell, Hughes, Kelso, Kilgore, Kiser, Leslie, Levenworth, Monroe, Moore, Noble, Parker, Piercy, Smith of R., Steele, Stuart, Thompson, Vandever, Willett and Wilson—30.

So said vote was reconsidered.

Mr. Pearson then moved the previous question, which was seconded by two members.

Mr. Smith of R. thereupon withdrew his said pending motion to amend;

The said previous question was then put to wit, shall the main question be now put?

And passed in the affirmative.

The main question was then put, to wit: shall said resolution be adopted?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Craig, Crumè, Davenport, Davis, De Pauw, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Foster, Fowler, Gookins, Guard, Guion, Hughes, Huntington, Jones, Kelso, Kiser, M'Bean, M'Donald, Nichols, Noble, Pearson, Piercy, Smith of F., Smith of K., Snapp, Stafford, Stuart, Thornberry, Vance, Wallace, Williams, Woodruff, Wright of P., Yocom and Palmer, Speaker—50.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Bennett, Brackenridge, Carter, Ferguson, Fields, Hardesty, Hargrove, Howell, Kilgore, Leslie, Levenworth, Moore, Parker, Reid, Smith of R., Stanford, Steele, Thompson, Vandever, Willett, Wilson and Wright of P. & D.—24.

So said resolution was adopted.

Mr. Dunning from the joint committee on enrolled bills now report that they have compared the enrolled with the engrossed bill of the Senate entitled an act as follows, to wit:

An act to locate a state road from Greencastle in Putnam county, via New Maysville and Jamestown to Lebanon in Boone county;

And find the same truly enrolled.

Whereupon the Speaker signed the same.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

Mr. Carter moved that the several previous orders of the day be postponed, and that the House do now consider bills on their third reading.

Mr. Smith of F. moved to amend said motion so as to consider bills on their 2nd reading;

Which motion passed in the affirmative.

The House then proceeded to consider bills on their second reading.

The bill to provide for the taking of depositions in certain cases therein named,

Was read the second time and ordered to be engrossed and read a third time on Monday next.

The bill to amend an act entitled an act to incorporate the Ohio and Lafayette rail road company, approved Feb. 2, 1832,

Was read the second time.

Mr. Wright of P. moved to strike out the 4th section of said bill.



And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bennett, Bigger, Brackenridge, Bradbury, Carter, Clark, Craig, Crume, Davenport, Davis, De Pauw, Dorsey, Dunning, Edwards, English, Fields, Foster, Fowler, Gookins, Hardesty, Hargrove, Howell, Jones, Leslie, Levenworth, M<sup>r</sup>. Bean, M<sup>r</sup>. Donald, Nichols, Noble, Parker, Piercy, Reid, Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Vandever, Willett, Williams, Wilson, Wright of P., Wright of P. & D. and Yocom —47.

*And those who voted in the negative, are*

Messrs. Angle, Brady, Bramwell, Brown of L., Brown of T., Dunn, Evans, Farman, Guion, Hughes, Huntington, Kelso, Kilgore, Kiser, Moore, Pearson, Smith of F., Smith of K., Thompson, Thornberry Vance, Wallace, Woodruff and Palmer, Speaker —24.

So said motion passed in the affirmative.

On motion of Mr. Dunning,

Said bill was committed to a select committee of Messrs. Dunning Brown of L. and Parker.

The bill to amend an act entitled an act concerning the seminary townships of lands in Gibson and Monroe counties, approved Jan. 23, 1827,

Was read the second time; when

On motion of Mr. Hargrove,

Said bill was amended so as to extend its provisions to Gibson county.

On motion of Mr. Brown of L.,

The same was further amended by striking out from the latter clause thereof the words "Far West;" when

On motion of Mr. Dunning,

Said latter clause was amended so as to read as follows:

"This act to take effect and be in force from and after its passage."

Said bill was then ordered to be engrossed and read a third time on Monday next.

Mr. Bennett, from the joint committee of enrolled bills, reported, that they have on this day presented to His Excellency the Governor, for his approval and signature, bills entitled acts as follows, viz:

An act to vacate a part of a state road therein named;

An act for the relief of Thomas Neely of Putnam county Indiana;

An act to amend an act entitled an act to provide for the sale of certain lands therein named, approved Feb. 2, 1832;

An act to relocate a part of the Martinsville, Bellville, Danville and Frankfort state road and for other purposes:

An act to change the name of Williamsburg, in Clay county; and

An act to locate a state road from Milton, in Wayne county, to Muncietown in Delaware county;

The bill to provide for the location of a state road from Knights town in Henry county, via Hill's mills to Freeport in Shelby county,

Was read the second and third times, (the rules of the House having first been dispensed with,) and passed.

*Ordered*, That it be entitled an act and that the Clerk carry it to the Senate and ask their concurrence.

The bill to amend an act entitled an act to appropriate a part of the 3 per cent. fund and for other purposes,

Was read the second time.

On motion of Mr. Wilson,

The name of Elam Willey (one of the commissioners named in said bill) was stricken out, and the name of Joseph Derbo inserted in lieu thereof, when

On motion of Mr. Levenworth,

Said bill was committed to a select committee.

*Ordered*, That Messrs Levenworth, Wilson and Wright of P. & D. be that committee.

The bill to relocate part of the state road from Levenworth to Paoli,

Was read the second time, when

On motion of Mr. Levenworth,

*Ordered*, That the same do lie on the table.

The bill to amend an act entitled an act authorizing the seizure of boats and other vessels for debts;

Was read the second time, and

On motion of Mr. Dorsey,

The same was amended by adding the following as an additional section:

**SEC.** That the provisions of the second section of the act to which this is an amendment, shall be extended to all cases, arising under the first section of this act.

Said bill was then read the third time (the rules of the House having first been dispensed with) and passed.

*Ordered*, That it be entitled an act and that the Clerk carry it to the Senate and ask their concurrence.

The bill giving to mechanics a lien upon buildings;

Was read the second time.

Mr. Evans moved to amend the same by striking out the words "incorporated towns" and inserting in lieu thereof the words "any town regularly laid out and recorded."

Mr. Crume called for a division of the question;

The first branch thereof being put, to wit: on striking out,

It passed in the affirmative.

The question then recurred on filling the blank as proposed by Mr. Evans, and being put,

It passed in the affirmative.

Said bill was then ordered to be engrossed and read a third time on Monday next.

And then the House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Bramwell moved that the several previous orders of the day be postponed and that the House do now proceed to consider bills on their third reading.

Mr. Brown of T. moved to amend said motion so as to consider bills on their second reading;

Which motion passed in the affirmative.

The House thereupon proceeded to consider bills on their second reading.

The bill to vacate the town of Allenville in the county of Switzerland;

Was read the second time and committed to a select committee of Messrs. Kelso, Dunn and Guion.

The bill defining the duties of commissioners appointed to locate slate roads and for other purposes;

Was read the second time.

On motion of Mr. Stanford,

The same was amended by striking out 50 cts. from the \$1 50 cts., the allowance to commissioners under the provisions of said act.

Said bill was then read a third time (the rules of the House having first been dispensed with,) and passed.

*Ordered*, That it be entitled an act and that the Clerk carry it to the Senate and ask their concurrence.

The engrossed bill from the Senate to increase the means for supporting common schools:

Was read the second time, and

On motion of Mr. Gookins,

Committed to a select committee.

*Ordered*, That Messrs. Gookins, Carter, Dunn, Bigger, Reid, Levenworth and Willet be said committee.

The engrossed bill from the Senate to establish a board of Education for the encouragement of common schools;

Was read the second time, and

On motion of Mr. Kelso,

Committed to the same select committee to which is committed the bill last above named.

Engrossed bills from the Senate, of the following titles, to wit:



A bill for the relief of Daniel Darnell ; and

A bill to locate and open a state road from Strawtown in Hamilton county to Miamiesport in the county of Miami ;

Were severally read the second time, and

*Ordered*, To be read a third time on Monday next.

Mr. Kiser moved to postpone the several previous orders of the day for the purpose of considering the engrossed bill from the Senate providing for the erection of a slope over Tannehill's mill dam in the county of Bartholomew ;

Which motion passed in the affirmative, when

On motion of Mr. Davis,

*Ordered*, That said bill do lie on the table.

The engrossed bill of the Senate to locate a state road from Evansville to New Harmony, and from Princeton to Philips' mills and for other purposes :

Was read the second time.

Mr. Brackenridge moved to strike out the 7th section, which provides that the state road leading from Boonville to the Ohio river opposite Owensburgh, be extended upon the margin of the bank of said river to Haden's ferry.

Mr. Howell moved to commit said bill to a select committee with instructions to appoint a commissioner to locate the road named in the 7th section thereof ;

On motion of Mr. Craig,

Said instructions were amended by instructing the committee to strike out the 1st, 2nd, 3rd and 4th sections of said bill from the enacting clause.

The question was then put on committing the bill with the instructions proposed by Mr. Howell as amended ;

And passed in the affirmative.

*Ordered*, That Messrs. Howell, Craig and Brackenridge be that committee.

A message from the Senate by Mr. Morris their Secretary.

**MR. SPEAKER :**

The Senate concurs in the amendment proposed by the House to the joint resolution of the Senate in relation to horses lost by the Rangers, raised under the act of Congress of June 15, 1832, for the defence and protection of the northwestern frontier of the United States.

The Senate has passed an engrossed bill of the House entitled an act to incorporate the Levenworth manufacturing company, with an amendment ; &c.

Bills of the Senate entitled acts, as follows :

An act to provide for the instruction of young men with a view to prepare them for teachers of common schools ; and

An act to amend the act entitled and act relative to crime and punishment, approved Feb. 10, 1831.

In which bills of the Senate and the amendment proposed to the bill of the House, I am instructed to ask the concurrence of the House of Representatives.

The amendment made by the Senate to the bill of the House named in said message, was read and concurred in.

The engrossed bill of the Senate first named in said message,

Was twice read (the rules of the House having first been dispensed with) and

On motion of Mr. Brown of T.,

Committed to the same select committee to which was heretofore committed a bill from the Senate, to increase the means of supporting common schools.

The bill of the Senate secondly named in said message, was twice read (the rules of the House having first been dispensed with.) and

On motion of Mr. Bigger,

Committed to the judiciary committee.

The engrossed bill of the Senate concerning costs and fees in criminal cases, was read the second time.

Mr. Bramwell moved to lay the same on the table; which motion did not prevail.

Said bill was then read the third time (the rules of the House having first been dispensed with) and passed.

*Ordered*, That the Clerk inform the Senate thereof.

The engrossed bill of the Senate declaring what shall be evidence in certain cases, was read the second time, and

On motion of Mr. Bigger,

Committed to a select committee of Messrs. Bigger, Smith of F., and Huntington.

The engrossed bill of the Senate for the preservation of the property on the Governor's circle, was read the second time, and

On motion of Mr. Stuart,

Committed to a committee of the whole House for Monday next.

The engrossed bill of the Senate to incorporate the Switzerland county seminary, was read the second time, and

On motion of Mr. Kelso,

The same was amended as follows: by making the term of the present trustees expire on the 1st Monday in March, 1834, instead of 1st Monday in March, 1835, and by striking out the name of "Moses Branson" one of the trustees named in said bill, and inserting in lieu thereof the name of "William McCorkhill."

*Ordered*, That said amendment be engrossed and the bill read a third time on Monday next.

Mr. English from the joint committee of enrolled bills, reported that they did on this day compare the enrolled with the engrossed bills as follows, to wit:

An act supplemental to an act or acts incorporating the Berrough Vincennes; and

An act to vacate the town of Mellville in Fountain county, and find the same truly enrolled.

Whereupon the speaker signed said bills.

*Ordered*, That the Clerk carry them to the Senate for the signature of their President.

Mr. Fairman moved to reconsider the vote heretofore taken on the rejection of the engrossed bill from the Senate to amend an act entitled an act for the encouragement of education.

Which motion was decided in the negative.

The engrossed bill from the Senate to incorporate the Franklin county library company, was read the second and third times (the rules of the House having first been dispensed with) and passed.

*Ordered*, That the clerk inform the Senate thereof.

The engrossed bill from the Senate to provide for opening and repairing public roads and highways in Owen county, was read the second time.

On motion of Mr. Brown of L.,

The provisions of said bill were extended to the county of Lawrence.

On motion of Mr. Dunn,

Said bill was further amended by adding to the 1st section the following proviso:

*Provided*, That persons liable to work on roads in the aforesaid counties, shall work at least as many days in each year as persons in other counties are required by the general laws to work."

On motion of Mr. Baber,

Said bill was further amended by extending its provisions to Green county.

*Ordered*, That said amendments be engrossed and the bill be read a third time on Monday next.

The engrossed bill from the Senate for the relief of Jonathan Rogers and William Waugh, was read the second time and ordered to be read a third time on Monday next.

The engrossed bill from the Senate for the relief of Robert Patterson, was read the second time.

Mr. Reid moved to commit it to the committee on claims.

Mr. Williams moved to amend the motion by directing the reference to the committee on the affairs of the town of Indianapolis.

Which amendment did not prevail.

And on the question to commit as moved by Mr. Reid,

It was decided in the negative.

On motion of Mr. Brady,

The rules of the House were dispensed with and said bill was read the third time.

And on the question,

Shall the bill pass?

The ayes and noes being requested thereon by two members,



*Those who voted in the affirmative, are*

Messrs. Beem, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Davis, Dorsey, Dunn, Dunning, Edwards, English, Fairman, Fields, Fowler, Gookins, Guard, Guion, Hardesty, Huntington, Jones, Kiser, Leslie, McBean, Monroe, Moore, Pearson, Piercy, Smith of P., Smith of R., Stafford, Stanford, Steele, Stuart, Thompson, Thornberry, Vance, Vandever, Wallace, Willett, Wilson, Woodruff, Wright of P., Wright of P. & D., Yocom and Palmer, Speaker—51.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Bennett, Bigger, Crume, De Pauw, Evans, Ferguson, Foster, Hargrove, Howell, Kelso, Levenworth, Noble, Parker, Reid, Smith of K., Snapp and Williams—19.

So said bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Howell moved to take up the resolution heretofore moved by him relative to an adjournment *sine die*; which motion did not prevail.

Mr. Craig after having obtained leave presented a bill to amend an act entitled an act to incorporate the county seminary of Posey and for other purposes, approved Feb. 1, 1833; which was three times read (the rules of the House having first been dispensed with) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Crume moved that the resolution heretofore moved by Mr. Wallace, upon the subject of establishing a branch of the general post office at the seat of government of each state, heretofore laid on the table, be taken up; which motion was decided in the negative.

A motion was made up Mr. Vance to take from the table the engrossed joint resolution from the Senate, relative to the appointment of officers of the general government to offices in Indiana.

And before the question was had thereon.

The House adjourned until Monday morning at 9 o'clock.

MONDAY MORNING, JANUARY 27, 1834.

The House met pursuant to adjournment.

A message from the Governor by Mr. Maguire his private Secretary:

## MR. SPEAKER:

His excellency the Governor did on the 24th instant, approve and sign acts entitled as follows, viz:

An act to amend an act, entitled an act to provide for the sale of certain lands therein named, approved February 2d, 1833;

An act to change the name of Williamsburgh in Clay county;

An act to locate a state road from Milton in Wayne county to Muncietown in Delaware county;

An act to vacate a part of the state road therein named;

An act for the relief of Thomas Neely of Putnam county, Indiana, and

An act to relocate a part of the Martinsville, Bellville, Danville and Frankfort state road and for other purpose;

Which originated in the House of Representatives.

Mr. Hardesty, after having obtained leave and a suspension of the previous order of business, presented a bill for the relief of the widow and heirs of Mathias R. Nowland;

Which was read the first time and passed to a second reading.

On motion of Mr. Evans,

The several previous orders of the day were postponed, and the House proceeded to consider the bill authorizing a loan for internal improvement and pledging the 3 per cent. fund for the payment thereof and other bills &c. on the same subject.

The House then resolved itself into a committee of the whole on said bill, &c. and after some time spent therein, the Speaker resumed the chair and Mr. Davis reported the first named bill with sundry amendments, when

Mr. Smith of R. moved to postpone the further consideration of said bill and amendments made in committee of the whole indefinitely,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bigger, Bradbury, Bramwell, Brown of L., Colerick, Crume, Davis, De Pauw, Dorsey, Edwards, Fowler, Hardesty, Jones, Kiser, M'Bean, Monroe, Moore, Noble, Parker, Piercy, Smith of F., Smith of R., Steele, Stuart, Thompson, Thornberry, Wallace, Willett, Williams, Woodruff, Wright of P., and Palmer, Speaker—32.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Brackenridge, Brady, Brown of T., Carter, Clark, Craig, Dunn, Dunning, English,

Evans, Fairman, Ferguson, Fields, Foster, Gookins, Guion, Hargrove, Howell, Hughes, Huntington, Kilgore, Leslie, M'Donald, Pearson, Reid, Smith of K., Snapp, Stafford, Stanford, Vance, Vandever, Wilson, Wright of P. and D. and Yocom—39.

So said motion was decided in the negative.

The 1st, 2d, 5th, 6th, 7th and 8th amendments made in committee of the whole to said bill were severally read and agreed to by the House.

The 3d amendment made in committee was read, and

On motion of Mr. Craig,

The same was amended by adding thereto the following:

"All vacancies occasioned by death, resignation, refusal or otherwise shall be filled by the county commissioners of Posey, who shall in all respects be governed by the act as though they were first appointed."

Said amendment as amended was then concurred by the House.

The 4th amendment made in committee of the whole was read,

And on motion of Mr. Bigger, amended as follows, to-wit:

"And that Isaac Conde, Solomon Bishop and John Aldridge shall be commissioners to expend that part of said loan appropriated to so much of the road from Middletown to Andersonville as lies within the county of Rush, with power to appropriate any part thereof not exceeding one hundred and fifty dollars to aid in constructing a bridge across Flat Rock on said road at Moscow."

Said amendment as amended was then agreed to by the House.

Mr. Kiser moved to lay said bill on the table;

Which motion did not prevail.

On motion of Mr. Reid, said bill was further amended by adding the following as an additional section, to wit:

SEC. "The commissioners appointed by this act shall in all things conform to, and be governed by the laws now in force on the subject of the appropriation of the 3 per cent. fund, so far as said laws do not contravene the provisions of this act, and in case of the death, removal or refusal to serve, of any commissioner appointed by this act, the board doing county business shall have power to fill such vacancy as they may occur in their respective counties."

Mr. Moore moved further to amend said bill by adding the following as an additional section:

SEC. It is hereby made the duty of said canal fund commissioners to borrow an additional sum of twenty thousand dollars to be laid out on the two White rivers equally;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bigger, Brady, Bramwell, Brown of L., Colerick, Davis, Dunning, Fields, Huntington, Kiser, M'Bean



M'Donald, Monroe, Moore, Noble, Parker, Pearson, Stafford, Thompson, Wallace, Willett, Woodruff, Wright of P. and Palmer, Speaker—26.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Brackenridge, Bradbury, Brown of T., Carter, Clark, Craig, Crume, Dorsey, Dunn, Edwards, English, Evans, Fairman, Ferguson, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Jones, Kelso, Kilgore, Leslie, Levenworth, Piercy, Reid, Smith of K., Smith of R., Snapp, Stanford, Steele, Stuart, Thornberry, Vance, Vandever, Williams, Wilson, Wright of P. and D., and Ye-com—45.

So said motion was decided in the negative.

Mr. M'Bean moved to further amend the bill as follows:

Strike out Carroll, Cass and Miami in the first part of the 10th section and insert the same after the counties which receive \$3,333 each, and reduce the Wabash appropriation in proportion,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bigger, Bradbury, Bramwell, Brown of L., Colerick, Crume, Davis, De Pauw, Dorsey, Dunning, Edwards, Fields, Fowler, Hardesty, Jones, Kiser, Leslie, M'Bean, Moore, Noble, Parker, Piercy, Smith of R., Steele, Thompson, Thornberry, Wallace, Willett, Williams, Wilson, Woodruff, Wright of P., and Palmer, Speaker—34.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Bennett, Brackenridge, Brady, Brown of T., Carter, Clark, Craig, Dunn, English, Evans, Fairman, Ferguson, Foster, Gookins, Guard, Guion, Hargrove, Howell, Hughes, Huntington, Kelso, Kilgore, Levenworth, M'Donald, Monroe, Pearson, Reid, Smith of K., Snapp, Stafford, Stanford, Stuart, Vance, Vandever, Wright of P. and D., and Ye-com—38.

So said motion was decided in the negative.

Mr. Kiser moved to reconsider the vote heretofore taken on concurring in the amendment made in committee of the whole, making specific appropriation of the money belonging to the counties of Jefferson, Jennings, Bartholomew, Johnson and Marion.

Mr. Willett moved to lay said bill and motion to reconsider on the table,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bradbury, Brown, of L., Crume, Davis, De Pauw, Dorsey, Fowler, Hardesty, M'Bean, Moore, Noble, Piercy, Smith of F., Smith of R., Willett and Wright of P.—16.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Bigger, Brackenridge, Brady, Bramwell, Brown of T., Carter, Clark, Colerick, Craig, Dunn, Dunning, Edwards, English, Evans, Ferguson, Fields, Foster, Gookins, Guard, Guion, Hargrove, Howell, Hughes, Huntington, Jones, Kelso, Kiser, Kilgore, Leslie, Levenworth, M'Donald, Monroe, Parker, Pearson, Reid, Smith of K., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Thornberry, Vance, Vandever, Williams, Wilson, Woodruff, Wright of P. and D., Yocom and Palmer, Speaker—55.

So said motion was decided in the negative.

The question then recurred on the motion of Mr. Kiser, And was decided in the negative.

On motion of Mr. Davis,

Said bill was further amended as follows:

SEC. That five hundred dollars of the money appropriated by this act to the county of Shelby be appropriated on that part of the Brookville and Indianapolis state road that lies in said county of Shelby, and that Lathrop Francis be appointed a commissioner to draw and apply the same, and that the residue of the money appropriated as aforesaid shall be applied to the improvement of roads in the county aforesaid under the direction of the board of commissioners of said county of Shelby.

Debate arising,

Mr. Evans called the previous question, which call was seconded by two members,

And was thereupon put to wit:

Shall the main question be now put?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Bennett, Bigger, Brackenridge, Brady, Brown of T., Carter, Craig, Dunn, Evans, Fairman, Ferguson

Foster, Gookins, Guard, Guion, Hargrove, Howell, Hughes, Huntington, Kelso, Levenworth, M'Donald, Pearson, Reid, Smith of K., Snapp, Stanford, Stuart, Vance, Vandever, Woodruff, Wright of P. and D. and Yocom—36.

*And those who voted in the negative, are*

Messrs. Beem, Bradbury, Bramwell, Brown of L., Clark, Colerick, Crume, Davis, De Pauw, Dorsey, Dunning, Edwards, Fields, Fowler, Hardesty, Jones, Kilgore, Kiser, Leslie, M'Bean, Monroe, Moore, Noble, Parker, Piercy, Smith of F., Smith of R., Stafford, Steele, Thompson, Thornberry, Willett, Williams, Wilson, Wright of P. and Palmer, Speaker—36.

So said previous question was decided in the negative.

The question was then put will the House concur in the amendment made in committee of the whole to the bill authorizing a loan for the benefit of the state of Indiana and pledging the 3 per cent. fund for the payment thereof, which amendment was by striking out said bill from the enacting clause,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Bennett, Brackenridge, Brady, Brown of T., Carter, Clark, Craig, Crume, Davis, De Pauw, Dunn, Dunning, English, Evans, Ferguson, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Huntington, Jones, Kelso, Kilgore, Levenworth, M'Donald, Monroe, Piercy, Reid, Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Vance, Vandever, Williams, Woodruff, Wright of P. and D. and Yocom—48.

*And those who voted in the negative, are*

Messrs. Beem, Bigger, Bradbury, Bramwell, Brown of L., Colerick, Dorsey, Edwards, Fairman, Fields, Kiser, Leslie, M'Bean, Moore, Noble, Parker, Pearson, Smith of F., Thompson, Thornberry, Wallace, Willett, Wilson, Wright of P., and Palmer, Speaker—25.

So said motion passed in the affirmative.

When on motion of Mr. Reid the further consideration of said bill was indefinitely postponed.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER:

The Senate has adopted the following resolution:



*Resolved*, That the Senate will on this day at 2 o'clock P. M. (the House of Representatives concurring therein) meet the House of Representatives in their Hall for the purpose of electing a Michigan road commissioner in the place of William Polke, whose term of service will expire on the 2d of February, 1834.

Mr. Evans, after having obtained leave, moved the following resolution:

*Resolved*, That this House reciprocate the resolution of the Senate on the subject of the Michigan road commissioner, and that the Senate be informed thereof and that seats be provided for them on the right of the Speaker's chair.

On motion of Mr. Fowler,

*Ordered*, That the same do lie on the table.

And then the House adjourned until 1 o'clock P. M.

1 o'clock P. M.

The House met pursuant to adjournment.

Mr. Dunning from the joint committee of enrolled bills reported, that they have compared the enrolled with the engrossed bills of the House of Representatives entitled acts as follows, to-wit:

An act changing the time of holding courts in the eighth judicial circuit, and

An act to alter and re-establish the charter of the town of Richmond;

And find the same truly enrolled.

Whereupon,

The Speaker signed said bills.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

Mr. Crume from the select committee to which was committed the bill to locate a state road from Connersville to St. Omer, reported the same without amendment, and

On motion of Mr. Fowler,

The further consideration thereof was indefinitely postponed.

Mr. Gookins made the following report:

The select committee to which was referred a bill of the Senate entitled an act to increase the means of supporting common schools, also, a bill to establish a board of education for the encouragement of common schools, have had the same under consideration and a majority of said committee have instructed me to report them back to the House, the first without and the second with amendments.

On motion of Mr. Smith of F.,

The bill first named in said report was indefinitely postponed.

The amendments made to the bill secondly named in said report, were read and concurred in.

On motion of Mr. Gookins,

Said bill was further amended by striking out the name of Jeremiah Sullivan one of the trustees named in said bill, and on the question shall the amendments be engrossed and the bill read the third time on to-morrow,

It was decided in the negative.

So said bill was rejected.

Mr. Reid, from the select committee to which was committed, the engrossed bill from the Senate, to provide for the instruction of young men, with a view to prepare them for teachers of common schools; reported the same with two amendments, which were severally read and concurred in.

On motion of Mr. Craig,

The further consideration of said bill was indefinitely postponed.

Mr. Foster, after having obtained leave, presented a bill to locate a state road from Greenfield in Hancock county, to Middletown in Henry county.

Which was twice read the rules of the House having first been dispensed with, and

On motion of Mr. Stanford,

Amended by striking out 50 cts. from the allowance to the commissioner for locating said road;

Said bill was then read the third time, (the rules of the House being further dispensed with for that purpose,) and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Dunning, from the select committee to which was committed the bill to amend an act entitled an act to incorporate the Ohio and Lafayette rail road company, approved February 2, 1832;

Reported the same with one amendment,

Which was read and concurred in.

On motion of Mr. Dunn,

Said bill was further amended by authorizing the state to purchase the stock of said company after the expiration of seventy five years,

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Dorsey, after having obtained leave, presented a bill to authorize James Alexander former collector of Monroe county, yet to collect any taxes remaining due and unpaid in said county, for the year or years for which said Alexander was collector;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Wallace from the select committee to which was referred a petition on that subject, reported a bill to amend an act entitled an act to incorporate the town of Madison,

Which was three times read (the rules of the House having first been dispensed with) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Brown of T., from the select committee to which was referred a petition on that subject reported a bill to appropriate a part of the 3 per cent. fund, to bridge the Kankakee on the roads leading from Lafayette and Delphi to Michigan city;

Which was twice read, the rules of the House having first been dispensed with, and

On motion of Mr. Kilgore indefinitely postponed.

Mr. Reid from the committee on military affairs to which was referred a resolution relative to exempting non-commissioned company officers from attending drill musters,

Reported a bill to amend an act entitled an act to organize and regulate the militia of the state of Indiana;

Which was read the first time and passed to a second reading.

Mr. Bigger from the select committee to which was committed the engrossed bill from the Senate, declaring what shall be evidence in certain cases, reported the same back without amendment.

Said bill was then ordered to be read a third time to-morrow.

Mr. Bigger from a select committee to which was committed the engrossed bill from the Senate authorizing the location of a state road from Decatur county to the South Bend in St. Joseph county, reported the same with one amendment.

Mr. Crume moved to strike out from said amendment so much as authorizes the commissioner to make Vienna a point;

Which motion did not prevail.

On motion of Mr. Smith of F.,

Said amendment was amended by incorporating in it this proviso:

*“Provided*, That the county of Fayette shall not be required to pay any part of the expense of locating or opening said road,” and by directing its location within the limits of Rush county, where it pursues the line between said county and Fayette.

The said amendment reported by the committee as amended, was then agreed to by the House.

*Ordered*, That said amendments be engrossed and the bill read a third time to-morrow.

Mr. Bigger from the select committee to which the subject was referred, reported a bill to divorce Peter Graffort and Casander Graffort;

Which was read the first time and passed to a second reading.

Mr. Parker, having obtained leave, presented a bill to amend an act entitled an act amendatory to an act entitled an act to organize probate courts, and defining the powers and duties of executors, administrators and guardians, approved Feb. 3, 1832;



Which was three times read (by consent of the House) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Kelso, after having obtained leave presented a bill to authorize the survey of roads in the county of Switzerland;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Thompson, after having obtained leave, presented a bill to incorporate the Charlestown manufacturing company;

Which was twice read, the rules of the House having first been dispensed with, and ordered to be engrossed and read a third time to-morrow.

Mr. Angle, having obtained leave, made the following report:

The committee on education to which was referred the petition of R. Steele and others, praying a change in the law relative to the election of county commissioners, so that each district shall have the power of electing its own commissioner, have according to order had the same under their consideration; and report, that in the opinion of said committee it would be inexpedient to legislate on that subject at this time and ask to be discharged from the further consideration of the subject;

Which was read and concurred in by the House.

Mr. Brady from the select committee to which was referred a petition in that behalf, after having obtained a suspension of the orders of business for that purposes, reported a bill to authorize the sale of a certain school section in Marion county;

Which was read the first time and passed to a second reading.

On motion of Mr. Smith of R.,

The preceding orders of the day were for the present postponed, and the House resolved itself into a committee of the whole on the engrossed bill from the Senate for the further improvement of the Michigan road, and the bill of the House of the same title, and after some time spent therein, the Speaker resumed the chair and Mr. Wallace reported said bills with sundry amendments.

The amendments, reported to said bill of the Senate, were severally read and agreed to.

Mr. Steele moved further to amend the bill by striking out "50 cents," the allowance to the Secretary of state for issuing and recording patents, and inserting "one dollar;"

Which motion was lost.

Mr. Fowler moved to strike out "50 cents," and insert "twenty five cents;"

Which motion did not prevail.

Mr. Davis moved to recommit the bill to a select committee with instructions to divide the road into two districts, commencing at Logansport each way, the land office to be kept in the

northern district, and to provide for electing two commissioners,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Bigger, Brady, Brown of L., Brown of T., Carter, Clark, Craig, Crume, Davis, De Pauw, Dorsey, Dunning, English, Fields, Foster, Fowler, Guion, Hardesty, Hargrove, Huntington, Leslie, Monroe, Moore, Noble, Piercy, Smith of R., Stafford, Stuart, Vance, Willett, Williams, Wilson, Woodruff, Wright of P., and Yocom—36.

*And those who voted in the negative, are*

Messrs. Beem, Bennett, Brackenridge, Bradbury, Bramwell, Davenport, Dunn, Edwards, Evans, Fairman, Ferguson, Gookins, Guard, Howell, Jones, Kelso, Kilgore, Kiser, Levenworth, M'Bean, M'Donald, Nichols, Parker, Pearson, Reid, Smith of F., Smith of K., Snapp, Stantord, Steele, Thompson, Thornberry, Vandever, Wallace, Wright of P. and D. and Palmer, Speaker—36.

So said motion was decided in the negative.

Mr. Brady moved to add the following as an additional section to the bill, viz:

Sec. Be it further enacted, That said commissioner be authorized to construct a good plain bridge over White river in Marion county, provided the same can be done for five thousand dollars;

Which motion was decided in the negative.

Mr. Davenport moved to amend the first section of the bill by striking out \$30,000, (the amount appropriated to the road,) and inserting "\$40,000;"

Which motion did not prevail.

It was thereupon

Ordered, That the amendments be engrossed and the bill read a third time to-morrow.

On motion of Mr. Dunn,

The bill of the House, together with the amendment reported thereto by the committee of the whole, were indefinitely postponed.

A message from the Senate by Mr. Morris their secretary.

MR. SPEAKER:

The Senate has adopted the following resolutions:

Resolved, (the House concurring therein.) That the following shall be added to the joint rules for the transaction of business between the two Houses of the General Assembly:

**Rule 10.** In all elections which require a distinct and separate vote of each House, the ballotings shall be simultaneous in both Houses.

No person shall be deemed to be elected in the proper House making such separate choice, unless he receive a majority of all the votes given in such House. Each House shall so soon as a choice be made on such separate balloting, forthwith communicate the same to the other House; and if it shall appear that the two Houses have concurred in their choice of any or either of the persons balloted for, such person or persons shall be deemed and declared duly elected. But if the two Houses do not concur in their choice of each and all of the officers so to be elected, then in such case the two Houses shall in like manner forthwith proceed to a second separate choice of the remaining officers so attempted to be elected. But if no concurrence be then had, the two Houses shall in like manner proceed to a third choice. If the two Houses shall not have concurred in the third separate choice, the two Houses shall proceed to a joint ballot instant for the election of such officer or officers as the two Houses may have failed, for want of concurrence as aforesaid, to elect.

**Rule 11.** In the election of bank directors, each ballot may contain as many names as there may be directors to be chosen, but no person voted for shall be deemed to be elected unless he receive a majority of all the votes given, but the ballotings shall continue until the whole number be elected, unless the President of the Senate shall adjourn the same, which adjournment shall not extend beyond two days from that on which the adjournment was made, (Sundays excepted.)

The joint rule numbered 10 in said message was adopted by the House on their part.

Mr. Thompson moved to amend said joint rule (numbered 11;) by striking out so much as authorizes the President of the Senate to adjourn the election;

Which motion did not prevail.

The latter clause of said joint rule was thereupon,

On motion of Mr. Thompson,

Amended by striking out "two days," and inserting "one day;"

And as amended was adopted by the House.

*Ordered,* That the clerk inform the Senate thereof and ask their concurrence in said amendment of the House.

On motion of Mr. Evans,

The resolution moved by him and laid on the table this day, (reciprocating the resolution of the Senate relative to the election of a commissioner of the Michigan road,) was taken up.

Mr. Evans thereupon modified his said resolution so as to read as follows:

*Resolved,* That this House will proceed instant for the Senate concurring, to the election of Michigan road commissioner in the place of William Polke, whose term of service has expired, and



that seats be provided for Senators on the right of the Speaker's chair.

Mr. Fowler moved to strike out the word "instanter," and insert "at two o'clock, P. M. to-morrow ;"

Which motion was decided in the negative.

The said resolution was then agreed to by the House, and Mr. Evans was thereupon appointed teller on the part of the House.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Dunning from the joint committee of enrolled bills reported that they have compared the enrolled with the engrossed bill of the House of Representatives entitled an act as follows, to-wit:

An act establishing a state bank,

And find the same truly enrolled.

Whereupon, the Speaker signed said bill.

*Ordered*, That the clerk carry it to the Senate for the signature of their President.

Mr. Bennett from the joint committee of enrolled bills reported that they have on this day presented to His Excellency the Governor for his approval and signature bills entitled acts as follows, viz:

An act to locate a state road from Greencastle in Putnam county via New Maysville and Jamestown to Lebanon in Boone county;

An act to vacate the town of Millville in Fountain county; and

An act supplemental to an act or acts incorporating the borough of Vincennes.

Mr. Clark, after having obtained leave, made the following report in addition to the bill heretofore reported by him on that subject, viz:

The select committee to which was referred the first and eighteenth sections of the first article of the constitution of this state, and the enquiry whether any legislative enactments have been made in contravention of the provisions of these articles, have had those matters under consideration and the majority of such committee have instructed me to report that, in their opinion, that so much of the act entitled an act to license and regulate taverns and groceries, approved February 3, 1832, as makes it necessary that a person desirous of keeping taverns or groceries should obtain the recommendation of twenty-four freeholders before he shall be allowed to procure license for vending spiritous liquors, is unconstitutional.

Your committee are of opinion that since that traffic has been encouraged under any circumstance by legislative authority, there cannot be any thing contrary to good morals in the sale of ardent spirits. Your committee therefore must conclude that it is contrary to the letter and spirit of the constitution to require a man to obtain the consent of his neighbors for the prosecution of a mode of obtaining a livelihood which is all secured and sanctioned by the laws of this country.

The committee are further of opinion that so much of the above recited act as denies to venders of spiritous liquors the assistance of the laws of this state in collecting debts over one dollar arising from the sales of spiritous liquors, is contrary to the intention and spirit of the constitution, which says, no law impairing the obligation of contracts shall ever be made. The majority of the committee have accordingly directed me to report a bill.

Mr. Woodruff, (after having obtained leave,) presented a bill to establish the route of a part of the Indianapolis and Madison state road;

Which was three times read, (the rules of the House having first been dispensed with,) and passed.

*Ordered*, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Bramwell,

The engrossed bill to relocate a part of the state road from Madison to Indianapolis, heretofore laid on the table, was taken up.

Said bill was then amended by unanimous consent and passed.

*Ordered*, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Edwards, (after having obtained leave,) presented a joint resolution for the benefit of Randolph county;

Which was twice read, (the rules of the House having first been dispensed with,) and,

On motion of Mr. Howell,

Amended by extending its provisions to Spencer county.

The rules of the House being again suspended, the said joint resolution was considered as engrossed, read the third time and passed.

The title thereof was then amended so as to read in the latter clause thereof, "for the benefit of Randolph and Spencer counties."

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence.

Mr. Davis, (after having obtained leave,) presented a bill to locate a state road from Robert Hankins' to William Hillico's;

Which was twice read, (the rules of the House being for that purpose dispensed with,) and,

On motion of Mr. Willett,

Laid on the table.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER:

The Senate reciprocate the resolution of the House for electing a Michigan road commissioner in the place of Wm. Polke.

Mr. Hanna is appointed teller on the part of the Senate.

The Senate then came down from their chamber and took their

seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, when

Both Houses proceeded by joint ballot to elect a Michigan road commissioner to fill the vacancy to be occasioned by the expiration of the term of William Polke.

On counting the ballots it appeared that

William Polke received 66 votes for that office,

Isaac Ploughe " 22 " "

Joseph Campbell " 9 " "

Scattering 6

William Polke having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses, declared duly elected a commissioner of the Michigan road for the term of two years from and after the 2d day of February, 1834.

The Senate then retired to their chamber.

Mr. Bennett from the joint committee of enrolled bills, reported that they have on this day presented to His Excellency the Governor for his approval and signature a bill entitled an act establishing a state bank.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER:

The Senate has passed engrossed bills, &c. of the House entitled as follows:

An act to appoint commissioners on the state road from Fredonia to the mouth of the Wabash and for other purposes;

An act to amend an act entitled an act to regulate the mode of doing county business in the several counties of this state, approved January 19, 1831;

An act to provide for the location of the Huntington and New Cumberland state road;

A joint memorial and resolution to the Congress of the United States;

A joint resolution relative to horses that were lost by the Indiana Rangers in the service of the United States: and

An act to amend an act entitled "an act to regulate the mode of doing county business in the several counties in this state (approved January 19, 1831—all without amendment except the last named.

The Senate has passed bills of the Senate entitled as follows, to-wit:

An act to amend an act to organize Probate courts and defining the powers and duties of executors, administrators and guardians, approved February 10, 1831;

An act to amend and revise the act entitled an act to incorporate the several townships in the county of Dearborn, approved February 7, 1825;



An act to amend the act entitled an act to organize the Probate courts and defining the powers and duties of executors, administrators and guardians, approved February 10, 1831;

An act to authorize and require the loaning of the library monies of the county of Dubois to the board of commissioners of said county;

An act for the benefit of revolutionary soldiers;

An act to locate and establish a state road from Greensburgh to the falls of the Ohio river;

An act in amendment to an act entitled an act concerning clerks; and

An act to amend an act entitled an act for the incorporation of county libraries, approved February 9, 1831.

In which bills of the Senate and the amendment proposed to the bill of the House the concurrence of the House of Representatives is requested.

The amendment proposed by the Senate to the bill of the House fourthly in said message named, was read and disagreed to by the House.

*Ordered*, That the clerk inform the Senate thereof.

The bill of the Senate first named in said message, was twice read, (the rules of the House having first been dispensed with,) and ordered to be read a third time to-morrow.

The bill of the Senate secondly therein named, was twice read and committed to a select committee of Messrs. Kelso, Dunn, and Guard.

The bill of the Senate thirdly therein named, was three times read. (the rules of the House having first been dispensed with,) and passed.

*Ordered*, That the clerk inform the Senate thereof.

And before the House proceeded further in the consideration of said message,

The House adjourned until to-morrow morning at half past 8 o'clock.

## TUESDAY MORNING, JAN. 23, 1834.

The House met pursuant to adjournment,

And resumed the consideration of the message received from the Senate on yesterday, and pending at the adjournment on last evening.

The bill of the Senate fourthly named in said message was twice read, (the rules of the House having first been dispensed with) and ordered to be read a third time to-morrow.

The bill of the Senate fifthly therein named was twice read, (the rules of the House having first been dispensed with.)

Mr. Bigger moved to amend the bill by including attorneys at law in the prohibition of the first section of the bill, and by making it obligatory upon them to render their services.

Mr. Willett called for the previous question, which call was seconded by two members,

And was thereupon put, to-wit:

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, to-wit:

Shall the bill be read a third time,

And passed in the affirmative.

Said bill was then read a third time, (the rules of the House having first been dispensed with.)

The question was then put,

Shall said bill pass?

And the ayes and nays being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Brackenridge, Bradbury, Brady, Bramwell, Brown of T., Carter, Clark, Craig, Davenport, Davis, De Pauw, Dorsey, Dunn, Edwards, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guion, Hardesty, Howell, Hughes, M'Donald, Monroe, Moore, Piercy, Snapp, Stafford, Stanford, Steele, Stuart, Vance, Vandever, Willett, Williams, Woodruff, Wright of P., Wright of P. & D. and Yocom—45.

*And those who voted in the negative, are*

Messrs. Beem, Bigger, Brown of L., Colerick, Dunning, Huntington, Jones, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Bean, Nichols, Noble, Parker, Pearson, Reid, Smith of F., Smith of R., Thompson, Wallace and Palmer, Speaker—23.

So said bill passed.

*Ordered*, That the clerk inform the Senate thereof.

The bills of the Senate sixthly, seventhly and eighthly named in said message were severally three times read, (the rules of the House having first been dispensed with.) and passed.

*Ordered*, That the clerk inform the Senate thereof.

On motion of Mr. Crume,

Himself and Messrs. Smith of K. and Brown of T. had leave of absence from the services of the House, to attend to the business of the committee of ways and means.

Mr. Hardesty moved to suspend the previous orders of the day and consider a bill for the relief of the heirs of Matthias R. Nowland;

Which motion did not prevail.

Mr. Dunning, from the joint committee on enrolled bills, report, that they have compared the enrolled with the engrossed bills, memorial and joint resolutions entitled as follows, to-wit:

An act concerning costs and fees in criminal cases;

An act for the relief of Robert Patterson;

An act to incorporate the Franklin county library company;

An act to provide for the location of the Huntington and New Cumberland state road;

An act to amend an act entitled, "an act to regulate the mode of doing county business in the several counties of this state," approved January 19th, 1831;

An act to appoint commissioners on the state road from Fredonia to the mouth of the Wabash, and for other purposes;

A joint memorial and resolution to the Congress of the U. S., and

A preamble and joint resolution in relation to horses lost by the rangers and volunteer militia of Indiana,

And find the same truly enrolled.

Whereupon,

The speaker signed said bills, memorial, joint resolution, &c.

Ordered, That the clerk carry them to the Senate for the signature of their President.

A message from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER,

His Excellency the Governor did, on yesterday approve and sign,

An act supplemental to an act or acts incorporating the borough of Vincennes;

Which originated in the House of Representatives.

Mr. Bennett, from the joint committee on enrolled bills, reported that they have compared the enrolled with the engrossed bills entitled acts as follows, viz:

An act to incorporate the Levenworth manufacturing company;

An act for the relief of Rebecca M'Kown;

An act to authorize the board of commissioners of Marion county to hold a special session;

An act attaching certain territory therein named for judicial and representative purposes;

An act to legalize the sale of the town lots in the town of New Castle, and for other purposes;

An act to relocate a part of the state road leading from Williamsport in Warren county, to the state line in the direction of Danville, Illinois;

A preamble and joint resolution in relation to horses lost by the rangers raised under the act of Congress, approved June 15th, 1832, for the defence and protection of the northwestern frontier of the United States:



An act to provide for the election of a justice of the peace in the town of Pendleton;

An act to incorporate the Perry county seminary;

An act to incorporate the Vincennes steam paper manufacturing company, and

An act to incorporate the town of Centreville in Wayne county, And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

Mr. Kelso, from the select committee to which was committed the engrossed bill from the Senate to amend and revise the act entitled an act to incorporate the several townships in the county of Dearborn, approved Feb. 7th, 1825, reported the same with sundry amendments.

The said amendments, (except the last,) were read and agreed to by the House.

The last amendment was,

On motion of Mr. Guion,

Amended by striking out the one per cent. therein allowed to the county treasurer,

And as amended was agreed to by the House.

*Ordered*, That said amendments be engrossed and the bill read a third time to-morrow.

Mr. Evans, after having obtained leave, moved the following resolution:

*Resolved*, That when this House adjourns this evening it will adjourn to meet again at 6 o'clock, P. M. in order to take up bills on their second and third reading,

And on the question to adopt the same,

It passed in the affirmative.

Mr. Clark moved to postpone the the previous orders of the day for the purpose of considering the bill to amend an act entitled an act for assessing and collecting the revenue, approved Feb. 10th, 1831, and to provide for a more uniform and equitable mode of taxation.

Mr. Kelso moved to amend said motion so as to consider bills on their third reading,

Which motion passed in the affirmative.

Whereupon,

The House proceeded to consider bills on their third reading.

The engrossed bill to incorporate the Levenworth and Bloomington rail road company,

Was read the third time, amended by unanimous consent, and passed.

*Ordered*, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Engrossed bills and joint resolution of the House, of the following titles, to-wit:

A bill to declare a certain county road therein named a state road;

A bill to amend an act to locate a state road from Delphi to Munceytown, approved Feb. 1, 1833;

A bill to amend an act to incorporate the Madison, Indianapolis and Lafayette rail road company;

A bill to amend an act entitled an act for the relief of the poor, approved Feb. 19, 1831:

A bill to provide for the location of the Munceytown and Fort Wayne state road;

A bill to legalize the proceedings of the commissioners in Bartholomew county at their January term, 1833;

A bill to amend an act entitled an act for the encouragement of education, approved Feb. 2, 1832;

A bill to authorize Daniel Bales of Morgan county to pay over to James T. Hadley the sum of \$15 out of the road funds in his hands;

A bill to amend an act entitled an act dividing the state into judicial circuits, and fixing the times of holding courts therein, and for other purposes, approved Feb. 10, 1831;

A bill to relocate a part of the state road leading from the Cumberland road to the Lafayette road;

A bill to vacate the town of Union in Boone county;

A bill to amend an act entitled an act organizing circuit courts and defining their powers and duties and for other purposes;

A bill to declare a certain road therein named a state road;

A bill to regulate the fees of the commissioners of Grant county;

A bill to incorporate the Fort Wayne and St. Mary's bridge company;

A bill to provide for the taking of depositions in certain cases therein named;

A bill to amend an act entitled an act concerning the seminary townships in Gibson and Monroe counties, approved January 25, 1827, and

A joint resolution relative to the franking privilege,

Were severally read a third time and passed.

*Ordered*, That said bills be entitled acts, and that the clerk carry them, together with said joint resolution, to the Senate and ask their concurrence.

The engrossed bill to incorporate the several townships in Tippecanoe,

Was read a third time and passed.

On motion of Mr. Brown of L.,

The title thereof was amended so as to include the county of Montgomery.

Engrossed bills and joint resolution of the Senate of the following titles, to-wit:

An act to locate and establish a state road from Madison by Paris and Brownstown to Bloomington;

An act to incorporate the Rising Sun insurance company;

An act in amendment to an act entitled an act to quiet certain titles in Mount Vernon, and for the benefit of Thomas Givens;

An act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831;

An act to locate a state road from Jamestown in Boone county, by the way of Russellville in Putnam county, to intersect the state road from Crawfordsville to Rockville;

An act attaching certain unorganized territory to the county of Laporte for judicial purposes;

An act for the relief of Samuel Darnell;

An act to open and locate a state road from Strawtown in Hamilton county to Miamisport in the county of Miami;

An act to incorporate the Switzerland county seminary;

An act for the relief Jonathan Rogers and William Waugh, and

An engrossed joint resolution on the subject of the 3 per cent. fund,

Were severally read the third time and passed.

*Ordered*, That the clerk inform the Senate thereof.

The engrossed bill from the Senate authorizing John M. Lemon, John Brown, David Dinwiddie and Andrew Burnside to build a toll bridge across the Kankakee,

Was read the third time.

Mr. Davenport moved to recommit said bill to a select committee with instructions to reduce the toll allowed in said bill,

Which motion was decided in the negative.

The question was then put,

Shall said bill pass?

And carried in the affirmative.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Bramwell moved to take up an engrossed bill to repeal a certain act now in force and for other purposes, heretofore laid on the table,

Which motion did not prevail.

The engrossed bill to establish a ferry or ferries across the Ohio river at Jeffersonville in the county of Clark, and for other purposes,

Was read the third time, and

On motion of Mr. Thompson,

Laid on the table.

The engrossed bill to attach the county of Carroll to the 8th judicial circuit and for other purposes,

Was read the third time, amended by unanimous consent, and passed.



*Ordered*, That it be entitled an act and that the Clerk carry it to the Senate and ask their concurrence.

The engrossed bill from the Senate to establish a state road herein named,

Was read the third time and passed.

*Ordered*, That the clerk inform the Senate thereof.

The engrossed bill from the Senate to incorporate the Indiana teacher's seminary,

Was read the third time.

Debate arising thereon,

Mr. Smith of F. called the previous question, which was seconded by two members,

And was thereupon put, to wit:

Shall the main question be now put?

And passed in the affirmative.

The main question was thereupon put, to wit:

Shall the bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bennett, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Clark, Colerick, Davenport, Davis, De Pauw, Dunn, Dunning, Edwards, English, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guion, Hardesty, Howell, Huntington, Jones, Kelso, Kilgore, Kiser, Levenworth, M'Bean, M'Donald, Monroe, Moore, Nichols, Parker, Pearson, Piercy, Reid, Smith of F., Smith of R., Snapp, Stafford, Stanford, Steele, Thornberry, Vance, Wallace, Willett, Williams, Woodruff, Wright of P. & D. and Palmer, Speaker—57.

*And those who voted in the negative, are*

Messrs. Carter, Craig, Leslie, Stuart, Thompson, Vandever, Wilson, Wright of P. and Yocom—9.

So said bill passed.

*Ordered*, That the clerk inform the Senate thereof.

The engrossed bill giving to mechanics a lien upon buildings,

Was read the third time.

The question was then put,

Shall said bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bigger, Brady, Bramwell, Colerick, Craig, Davis, Dorsey, Dunning, Edwards, Evans, Fairman, Foster, Guion, Huntington, Kelso, Kilgore, Levenworth,

M'Donald, Moore, Nichols, Parker, Pearson, Reid, Smith of F. Snapp Stafford, Steele, Stuart, Thornberry, Vance, Wallace Willett, Williams, Wilson, Wright of P., Wright of P. & D. Yocom and Palmer, Speaker—41.

*And those who voted in the negative, are*

Messrs. Bennett, Brackenridge, Bradbury, Brown of L., Carter, Clark, Davenport, De Pauw, Fowler, Gookins, Hardesty Howell, Jones, Kiser, Leslie, M'Bean, Piercy, Smith of R. Stanford and Woodruff—20.

So said bill passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill from the Senate to provide for opening and repairing public roads and highways in Owen county,

Was read the third time and passed, and

On motion of Mr. Brown of L.,

The title thereof was amended by adding the counties of Lawrence and Green thereto.

On motion of Mr. Dunning,

Mr. Gookins was added to the committee of enrolled bills,

And then the House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Vandever moved to postpone the intervening orders of the day and consider the bill to amend the act concerning the revenue and providing for a more uniform mode of taxation.

Mr. Stuart moved to amend said motion by considering bills on their third reading;

Which motion was decided in the negative.

The question was then put on the motion of Mr. Vandever,

Which motion did not prevail.

A message from the Senate by Mr. Morris their Secretary.

Mr. SPEAKER:

The Senate recede from their proposed amendment to the engrossed bill of the House entitled "an act to amend an act to regulate the mode of doing county business in the several counties in this state," approved January 19, 1831.

The Senate has passed without amendment engrossed bills, &c. entitled as follows:

An act authorizing the location of the seat of justice of Huntington county and for other purposes;

An act defining the duties of commissioners appointed to locate state roads, and for other purposes;

An act to incorporate the New Albany and Jeffersonville railroad company;

A joint resolution concerning the state library, and

A memorial to the Congress of the United States on the subject of the establishment of a national hospital on the Ohio river, also, with amendments to each.

Engrossed bills, &c. of the House entitled

An act to amend an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831:

An act to incorporate the town of Lafayette;

An act to provide for the location of a state road from Knights-town in Henry county, via Hill's mills to Frankfort in Shelby county, and

A memorial and joint resolution of the General Assembly of Indiana for an appropriation to improve the navigation of the Wabash and White rivers;

In which amendments the concurrence of the House of Representatives is requested.

The Senate has also passed engrossed bills of the Senate entitled as follows:

An act to amend an act entitled "an act to subject real and personal estate to execution," approved Feb. 4, 1831;

An act to divorce Lyman Leslie and his wife Lavina;

An act to legalize the proceedings of the trustees of the Decatur county library;

An act for the relief of the securities of certain officers;

An act to locate a state road from Michigan city to the western boundary of the state, and for other purposes;

An act to incorporate the Millport bridge company, and

An act for the relief of Elias Murray and Edmund B. Goodrich;

In which the concurrence of the House of Representatives is requested.

The first amendment made by the Senate to the bill of the House named in said message was read and disagreed to by the House.

*Ordered*, That the clerk inform the Senate thereof.

The several amendments made by the Senate to the other bills of the House named in said message were read and concurred in.

The first engrossed bill of the Senate named in said message was twice read, (the rules of the House having first been dispensed with,) when

On motion of Mr. Reid,

Said bill was amended by exempting one additional bed and bedding to that already exempt by law.

Mr. Craig moved to further amend said bill by exempting to each householder and farmer one horse worth \$25.



Mr. Smith of R. moved to commit the bill to a committee of the whole House for to-morrow;

Which motion did not prevail.

Mr. McDonald moved to postpone the further consideration of said bill and pending amendments indefinitely;

Which motion did not prevail.

Mr. Brown of L. moved to amend the amendment proposed by Mr. Craig, as follows:

“And if such execution defendant should not own such horse, the execution plaintiff shall furnish the same;”

Which motion did not prevail.

The question was then put on the motion of Mr. Craig, And decided in the negative.

On motion of Mr. Thompson,

Said bill was committed to a select committee, with instructions to provide where the execution defendant has not such articles as are exempt from execution to the amount of \$50. that they be allowed to retain other articles to make up that amount.

*Ordered*, That Messrs. Thompson, Reid and Craig be that committee.

The bills of the Senate secondly, thirdly, fifthly, and seventhly named in said message, were severally three times read, (the rules of the House having first been dispensed with,) and passed.

*Ordered*, That the clerk inform the Senate thereof.

The bill of the Senate fourthly named in said message, was twice read, (the rules of the House having first been dispensed with,) and,

On motion of Mr. Smith of K.,

The first section thereof was amended by adding after the words “county surveyor,” these words, “executors, administrators and guardians.”

Said amendment was then ordered to be engrossed and the bill read a third time to-morrow.

The engrossed bill of the Senate sixthly named in said message, was twice read, (the rules of the House having first been dispensed with,) when

Mr. Branwell moved to amend the same by striking out “20 years,” the limit of the charter in said bill, and inserting in lieu thereof “15 years;”

Which motion did not prevail.

Mr. Gookins moved to amend the bill by providing that the United States’ mail shall cross the bridge named in said bill free of toll;

Which motion was decided in the negative.

Said bill was then read the third time, (the rules of the House being dispensed with,) and passed.

*Ordered*, That the clerk inform the Senate thereof.

A message from the Governor by Mr. Maguire his private Secretary:

**MR. SPEAKER:**

I am instructed by His Excellency the Governor to notify the House of Representatives that he did, on this day, approve and sign an act establishing a state bank;

Which originated in the House of Representatives.

A message from the Senate by Mr. Morris their Secretary:

**MR. SPEAKER:**

The Senate has passed engrossed bills of the House of Representatives entitled as follows:

An act to amend an act entitled an act to provide for the appointment of a circuit prosecutor and defining his duty, approved January 20, 1831; and

An act to provide for the printing and distributing the laws of the present session of the General Assembly.

The first without, the second with an amendment, in which the concurrence of the House is requested.

The Senate concurs in the amendment proposed by the House to the amendments of the Senate to the joint rules of the General Assembly for the transaction of business.

Mr. Daily has been added to the committee on enrolled bills on the part of the Senate.

The amendment of the Senate to the bill of the House named in said message, was read and concurred in.

A message from the Senate by Mr. Morris their Secretary:

**MR. SPEAKER:**

The Senate has passed an engrossed bill entitled an act to incorporate the mutual insurance fire company of Terre Haute;

In which the concurrence of the House of Representatives is requested.

The bill named in said message was three times read, the rules of the House having first been dispensed with, and passed.

*Ordered.* That the clerk inform the Senate thereof.

Mr. Angle made the following report, which was read and concurred in:

The select committee to which was referred two petitions and two remonstrances on the subject of the formation of a new county in the north-east corner of the state, have according to order had that subject under consideration and now report, that the first petition for a new county is signed by only 30 persons and pray to have townships 33 and 34, in range 7, and townships 33, 34, and 35, in ranges 8, 9, and 10. The second petition is signed by 51 persons and prays the formation of a new county bounded as follows, to-wit: To commence on the northern boundary of Allen county at the line dividing sections 2 and 3, town 32, range 11 east, thence north with said section line to the southern boundary

of Lagrange county; thence west along the southern boundary of said county to the eastern boundary of Elkhart county; thence north to a point due east of the place of beginning. To this last petition 20 persons remonstrate, and say the county would be too small, and that the petitioners have not the public weal and convenience in view, but merely their own aggrandizement, and have acted improperly. To the first petition 22 persons remonstrate, who aver that the names to the first petition were procured surreptitiously, and exhibit the names of persons who do not live in that district of country, and that many of them are minors.

The committee therefore are of the opinion that any legislation on that subject, at this time, would be inexpedient, and ask to be discharged from the further consideration thereof.

Mr. Howell from the select committee to which was committed the engrossed bill from the Senate to establish a state road from Evansville to New Harmony, and from Princeton to Philips' mill and for other purposes, reported the same with sundry amendments, which were read and concurred in, and,

On motion of Mr. Craig,

*Ordered*, That the same do lie on the table.

Mr. Kelso from the select committee to which was committed the bill to vacate the town of Allenville in the county of Switzerland, reported the same with one amendment,

Which was read and concurred in.

Said bill was then read the third time and passed.

*Ordered*, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Brown of La., after having obtained leave, presented a petition accompanied by a bill supplemental to an act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 2, 1833;

Which was three times read (the rules of the House having first been dispensed with) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Huntington made the following report:

The committee on canals and internal improvements to whom was referred a communication of Shadrach Penn of the city of Louisville, Ky. inclosing a printed memorial to the Congress of the United States on the subject of the purchase of the stock in the Louisville and Portland canal by the United States, report.

A memorial to the Congress of the U. S. on the subject of the Louisville and Portland canal.

Said memorial and joint resolution was read the first time and passed to a second reading.

Mr. Levenworth from the select committee to which was committed the bill to amend an act entitled an act to appropriate part of the 3 per cent. fund and for other purposes, reported the same with one amendment,



Which was read and concurred in.

Said bill was then read the third time and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Evans made the following report, which was read and concurred in by the House:

The select committee to whom was recommitteed a report of a select committee on the subject of a state road in Vermillion county, and to whom was also referred the petition of John M. Colman on that subject, have had the same under consideration and now report, that inasmuch as the signatures to the remonstrance are much more numerous than those to the petition, they deem it inexpedient to legislate on that subject, and pray to be discharged.

On motion of Mr. Willett,

The vote heretofore taken on the engrossment of the bill for the further improvement of the Michigan road was reconsidered.

On motion of Mr. Willett,

Said bill was amended by adding the following to the 6th section:

"And the same amount shall be allowed the Secretary of State from the Michigan road fund for each patent issued on outstanding certificates since the commencement of the present General Assembly and also upon any outstanding certificates at the passage of this act on which patents may be issued hereafter."

On motion of Mr. Smith of R.,

Said bill was further amended so as to leave it to the discretion of the commissioner whether or not to give contractors to the first Monday in August to finish their contracts.

Said amendments were considered as engrossed, the bill read a third time and passed.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence to the amendments made by the House.

Mr. Smith of R., moved to reconsider the vote heretofore taken on the indefinite postponement of the bill to amend an act entitled an act to regulate marriages, approved Feb. 4, 1831;

Which motion did not prevail.

On motion of Mr. Thompson,

The several orders of the day which preceded the bill to authorize the trustees of Charlestown to lay off a certain street in said town, were postponed, and the House resolved itself into committee of the whole on said bill and after some time spent therein the Speaker resumed the chair and Mr. Evans reported the same with one amendment;

Which was read and concurred in by the House.

Said amendment was considered as engrossed and the bill read a third time and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Evans,

The vote heretofore taken on rejecting the bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831, on the engrossment thereof, was reconsidered.

Mr. Clark moved to reconsider the vote taken on inserting Jefferson county in the provisions of said bill.

Debate arising thereon,

Mr. Smith of F. called the previous question, which was seconded by two members,

And was thereupon put to-wit:

Shall the main question be now put?

And decided in the negative.

Mr. Thompson, from the select committee to which was committed the engrossed bill from the Senate, to amend an act entitled an act to subject real and personal estate to execution, approved February 4th, 1831, reported the same with one amendment;

Which was read and concurred in.

Said amendment was ordered to be engrossed and the bill read a third time to-morrow.

Mr. Stafford, from the select committee to which was referred a petition on that subject, reported a bill for the relocation of the state road leading from Martinsville in Morgan county, to Edinburgh in Johnson county;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. M'Bean, from the select committee to which was referred a petition on that subject, reported a bill to locate a state road from the county seat of Lagrange county to the county seat of Elkhart county;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Dunn, after having obtained leave, presented a bill to establish a state road from Hill's mill in Rush county to Rezin Davis' in Shelby county;

Which was twice read, the rules of the House having first been dispensed with, and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Clark,

The vote heretofore taken on striking out the first section of the bill to amend an act entitled an act to license and regulate taverns and groceries, approved Feb. 3d, 1832,

Was reconsidered;

Whereupon,

Mr. Brown of L. modified his said motion so as to strike out the first section from the enacting clause.

The question was then put on the proposed amendment of Mr. Brown of L. as modified,

And decided in the negative; when

On motion of Mr. Howell,

*Ordered*, That said bill do lie on the table.

Mr. Stuart, after having obtained leave, moved the following resolution:

*Resolved*, That the House of Representatives (the Senate concurring) will proceed on to-morrow at 10 o'clock, to elect a president and four directors for the State Bank of Indiana, and that the Senate be informed thereof;

Which was read, when

Mr. Willett moved to lay the same on the table;

Which motion did not prevail.

Mr. Smith of R. moved to amend the same by saying 2 o'clock, P. M. instead of 10 o'clock.

Mr. Huntington moved to amend said proposed amendment by substituting Thursday 2 o'clock P. M. instead of to-morrow, when

On motion of Mr. Smith of R.,

*Ordered*, That said resolution and proposed amendments do lie on the table.

The House then proceeded to consider the orders of the day, and resumed the consideration of the bill authorizing a loan for internal improvements and pledging the 3 per cent. fund for the payment thereof.

On motion of Mr. Kiser,

The vote heretofore taken on the adoption of the amendment of Mr. Wallace making specific appropriation of the moneys allotted to the counties of Jefferson, Jennings, Bartholomew, Johnson and Marion was reconsidered.

Mr. Clark moved to recommit said bill to a select committee of two members for each judicial circuit with instructions to make its several parts harmonize.

Mr. Bramwell moved to lay the bill and motion to recommit on the table;

Which motion did not prevail.

Mr. Bigger moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bigger, Bradbury, Bramwell, Brown of L., Clark, Crume, Dorsey, Edwards, Fowler, Hardesty, Jones, Kiser, M'Bean, Nichols, Noble, Parker, Piercy, Smith of F., Smith of R., Steele,



Stuart, Thompson, Thornberry, Wallace, Willett, Williams, Wright of P., and Palmer, Speaker—28.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Brackenridge, Brady, Brown of T., Carter, Colerick, Craig, Davenport, Davis, Dunn, Dunning, English, Evans, Fairman, Fields, Foster, Gookins, Guard, Guion, Howell, Hughes, Huntington, Kelso, Kidgore, Leslie, Levenworth, McDonald, Minor, Moore, Pearson, Reid, Smith of K., Seapp, Stafford, Stanford, Vance, Vandever, Wilson, Woodruff, Wright of P. and D. and Yeom—41.

So said motion was decided in the negative.

Mr. Evans thereupon called the previous question, which was seconded by two members, and before the question was had thereon,

The House adjourned until to-morrow morning at half past 8 o'clock.

Hobbs

---

### WEDNESDAY MORNING, JANUARY 29, 1834.

The House met pursuant to adjournment.

On motion of Mr. Huntington,

The several previous orders of the day were postponed and the House proceeded to consider the bill from the Senate and the bill of the House providing means for the construction of the Wabash and Erie canal.

On motion of Mr. Huntington,

The committee of the whole to which said bills were committed, was discharged from the further consideration thereof.

On motion of Mr. Reid,

The bill of the House above named, was laid on the table.

Mr. Moore moved to amend the bill of the Senate above named by striking out \$400,000 the amount of the loan in said bill and inserting in lieu thereof \$200,000.

A division of the question being called for, the first branch thereof, was thereupon put, to wit: on striking out,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative are*

Messrs. Baber, Beem, Brackenridge, Bramwell, Carter,

Craig, Davis, Dorsey, Dunning, Fowler, Guion, Hardesty, Howell, Kiser, Leslie, Moore, Piercy, Smith of R., Stafford, Thompson, Williams, Wilson and Wright of P. & D.—23.

*And those who voted in the negative are,*

Messrs. Angle, Bennett, Figger, Bradbury, Brady, Brown of L., Brown of T., Clark, Coltrick, Crane, Davenport, Dunn, Edwards, English, Evans, Fairman, Ferguson, Fields, Foster, Gookins, Guard, Hughes, Huntington, Jones, Kelso, Kilgore, Leverworth, McBean, McDonald, Monroe, Nichol, Noble, Parker, Pearson, Reid, Smith of F., Smith of K., Snapp, Stanford, Steele, Street, Thornberry, Vance, Vandever, Wallace, Willett, Woodruff, Wright of P., Yocom and Palmer. Speaker—50.

So said motion was decided in the negative.

Mr. Foster moved to amend said bill as follows, as an addition-section:

SEC. Be it further enacted, That the further sum of five thousand dollars of the loan hereby authorized, be and the same is hereby appropriated, for the purpose of procuring the necessary surveys and estimates by a competent corps of engineers, for a rail road or canal from Fort Wayne to Indianapolis, and that it be the duty of the Governor of this state so soon as such loan is contracted, to procure such surveys and estimates as aforesaid to be made, and lay the report thereof before the next General Assembly; which motion was decided in the negative.

Mr. Kiser moved to amend the bill as follows, amend the 1st section so as to authorize a loan of \$425,000

SEC. That \$25,000 shall be appropriated to the improvement of the White rivers in the following manner, to wit: \$12,000 on each of those streams above their junction, and \$1,000 to be appropriated on said river below the junction of the two forks of said rivers; which motion was decided in the negative.

Mr. Smith of R. moved to amend said bill by striking out 6 per cent. and inserting in lieu thereof 5 per cent.; which motion did not prevail.

Mr. Wallace moved to amend the bill by adding thereto the following sections:

SEC. That the fund commissioners, be and they are hereby directed, at the time they contract the loan above authorized, to negotiate an additional loan of one hundred thousand dollars, to be drawn at such time, and in sums not less than twenty five thousand dollars at one time, as may be necessary for the purposes herein intended.

SEC. That in case any of the rail road companies, chartered by acts of the Legislature, at either of the sessions of 1831-2, shall procure an amount of stock sufficient to complete the rail road agreeably to the provisions of their respective charters, and secure the payment of the same to the satisfaction of the Treasurer and

Auditor, who are hereby authorized to decide as to the sufficiency of the security offered, within one year from the first day of May next, then the Governor of the state is directed to subscribe on the part of the state, for twenty-five thousand dollars of stock in the four first companies, which bring themselves within the provisions of this act, and in case a less number avails themselves of the benefit of this act, then, he shall subscribe the above amount of twenty five thousand dollars in such as do, and any surplus left in consequence of neglect or refusal on the part of any rail road company to organize and secure the stock, shall be paid over to the canal commissioners of the Wabash and Erie canal, for the use of said canal.

On motion of Mr. Vandever,

Said proposed amendment was amended by adding thereto the following:

Sac. That 10,000 dollars of the sum to be borrowed agreeably to the first section of this act, be and the same is appropriated to the improvement of the state road leading from New Albany to Vincennes, to be paid over to, and laid out by Abner Davis of Daviess county and John Murrey of Orange county, on said road in such manner as they shall deem advisable, and they are hereby appointed commissioners for that purpose, and are required to take an oath, faithfully to discharge their duty as such commissioners, before entering on the duties of their aforesaid offices.

Mr. Reid moved to reconsider the vote taken on the adoption of the amendment proposed by Mr. Vandever; which motion was decided in the negative.

On motion of Mr. Brackenridge,

Said amendment proposed by Mr. Wallace as amended, was further amended by inserting after "1831 and 1832," the following, "1833 and 1834."

The question was then put on the adoption of said amendment as amended,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Brackenridge, Brady, Bramwell, Carter, Davis, Dorsey, Dann, English, Fairman, Fowler, Guion, Kelso, Kiser, Leslie, Levenworth, McDonald, Moore, Noble, Parker, Thompson, Vance, Vandever, Wallace, Williams, Wilson and Palmer  
Speaker—27.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Bennett, Bradbury, Brown of T., Clark, Colerick, Craig, Crume, Davenport, De Pauw, Dunning, Edwards, Evans, Ferguson, Fields, Foster, Gookins, Guard, Hardesty, Howell, Hughes, Huntington, Jones, Kilgore, M'Bean,



Monroe, Nichols, Pearson, Piercy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thornberry, Willett, Wright of P., Wright of P. & D. and Yocom—45.

So said motion was decided in the negative.

Mr. Howell moved to amend said bill as follows; by striking out so much as pledges the faith of the state for the repayment of said sum.

Debate arising thereon,

Mr. M'Donald called for the previous question which was seconded by two members,

And was thereupon put, to wit:

Shall the main question be now put?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Bennett, Bigger, Brady, Brown of T., Clark, Colerick, Crume, Dunn, Edwards, English, Evans, Fairman, Ferguson, Foster, Gookins, Guard, Guion, Hughes, Huntington, Jones, Kelso, Kilgore, Kiser, Levenworth, M'Bean, M'Donald, Monroe, Nichols, Pearson, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Stuart, Vance, Vandever, Williams, Wilson, Wright of P., Yocom and Palmer, Speaker—46.

*And those who voted in the negative, are*

Messrs. Beem, Brackenridge, Bradbury, Bramwell, Brown of L., Carter, Craig, Davenport, Davis, Dorsey, Dunning, Fields, Fowler, Hardesty, Howell, Leslie, Moore, Noble, Parker, Piercy, Steele, Thompson, Thornberry, Wallace, Willett and Wright of P. & D.—26.

So said previous question passed in the affirmative.

The main question was thereupon put, to wit:

Shall the bill be read a third time?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Bennett, Bigger, Bradbury, Brady, Brown of L., Brown of T., Clark, Colerick, Crume, Davenport, Davis, De Pauw, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Ferguson, Foster, Gookins, Guard, Guion, Hardesty, Hughes, Huntington, Jones, Kelso, Kilgore, M'Bean, M'Donald, Monroe, Nichols, Noble, Parker, Pearson, Piercy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thornberry, Vance, Vandever, Wallace,

Willetts, Williams, Wright of P., Yocom and Palmer, Speaker  
—57.

*And those who voted in the negative, are*

Messrs. Beem, Brackenridge, Bramwell, Carter, Craig, Fields, Fowler, Howell, Kiser, Leslie, Levenworth, Moore, Thompson, Wilson and Wright of P. & D.—15.

So said bill was ordered to be read a third time.

Mr. Huntington moved that the bill be read a third time now,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bennett, Bigger, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Clark, Colerick, Crume, Davenport, Davis, De Pauw, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hughes, Huntington, Jones, Kelso, Kilgore, Kiser, Levenworth, M'Bean, M'Donald, Monroe, Nichols, Parker, Pearson, Piercy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thornberry, Vance, Vandever, Wallace, Willett, Williams, Wright of P., Yocom and Palmer, Speaker—63.

*And those who voted in the negative, are*

Messrs. Brackenridge, Carter, Craig, Leslie, Moore, Noble, Thompson, Wilson and Wright of P. & D.—9.

So said motion passed in the affirmative.

Said bill was then read the third time.

Mr. Brown of L. thereupon moved to re-commit said bill to a select committee with instructions to strike out the 13th and 14th sections thereof which provides for an appropriation to survey a route for a rail road or canal down the valley of White Water river:

Which motion did not prevail.

Mr. Willett moved to re-commit the bill to a select committee with instructions to strike out so much thereof as makes certain wilful and malicious injuries to the canal and its works penitentiary offences;

Which motion was decided in the negative.

The question was then put shall said bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Bennett, Bigger, Bradbury, Brady,

Bramwell, Brown of L., Brown of T., Clark, Colerick, Crume, Davenport, Davis, De Pauw, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Ferguson, Foster, Gookins, Guard, Guion, Hardesty, Hughes, Huntington, Jones, Kelso, Kilgore, M'Bean, M'Donald, Monroe, Nichols, Noble, Parker, Pearson, Piercy, Reid, Smith of F. Smith of K., Smith of R., Snapp, Stanford, Steele, Thornberry, Vance, Vandever, Wallace, Willett, Williams, Wright of P., Yocom and Palmer, Speaker—57.

*And those who voted in the negative, are*

Messrs. Beem, Brackenridge, Carter, Craig, Fields, Fowler, Hargrove, Howell, Kiser, Leslie, Levenworth, Moore, Stuart, Thompson, Wilson and Wright of P. & D.—16.

So said bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Smith of F. moved to postpone the previous orders of the day and that the House do now consider bills on their second reading;

Which motion passed in the affirmative.

Mr. Brown of L. moved to reconsider the vote heretofore taken on the indefinite postponement of the engrossed bill from the Senate for the instruction of young men to prepare them as teachers for common schools.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Bigger, Brackenridge, Bradbury, Brown of L., Brown of T., Colerick, De Pauw, Dunn, Edwards, Evans, Fairman, Gookins, Guion, Kelso, Kilgore, Levenworth, M'Donald, Noble, Reid, Smith of F., Stafford, Thornberry Wallace, Willett, Wright of P. and Palmer, Speaker—28:

*And those who voted in the negative, are*

Messrs. Baber, Beem, Brady, Bramwell, Carter, Clark, Craig, Davenport, Davis, Dorsey, Dunning, English, Ferguson, Fields, Foster, Fowler, Guard, Hardesty, Howell, Hughes, Jones, Kiser, Leslie, M'Bean, Monroe, Moore, Nichols, Pearson, Piercy, Snapp, Stanford, Steele, Stuart, Thompson, Vandever, Williams, Wilson, Woodruff, Wright of P. & D. and Yocom—41.

So said motion was decided in the negative.

And then the House adjourned until half past 1 o'clock, P. M.

*Half past 1 o'clock, P. M.*

The House met pursuant to adjournment.



A message from the Senate by Mr. Morris their Secretary

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives entitled, as follows:

- An act to vacate the town of Darlington in Grant county;
  - An act to locate a state road from Greenfield in Hancock county to Middletown Henry in county;
  - An act to locate a state road in Dearborn and Ripley county;
  - An act to amend the act entitled an act authorizing the seizure of boats and other vessels for debt, approved Jan. 22, 1824;
  - An act to amend an act entitled "an act amendatory to an act entitled an act to organize probate courts and defining the powers and duties of executors, administrators and guardians," approved Feb 3, 1832;
  - An act to incorporate the Fort Wayne and St. Marys bridge company;
  - An act to legalize the proceedings of the county commissioners in Bartholomew county at their January term, 1832;
  - An act to declare a certain road therein named to be a state road;
  - An act to vacate the town of Union in Boone county in the state of Indiana;
  - A memorial on the subject of the National road;
  - An act to relocate a part of the state road from Madison to Indianapolis, and
  - An act to relocate a part of the state road leading from the Cumberland road to the Lafayette road—all without amendment, except the two last named.
- The Senate has also passed an engrossed joint resolution of the Senate providing for the survey of the lands along the Wabash and Erie canal, ceded by the Miami Indians for the use of the canal;

In which joint resolution and the amendments proposed to the bills of the House, the concurrence of the House of Representatives is requested.

The amendments made by the Senate to the bill of the House, named in said message were severally read and concurred in by the House.

The joint resolution of the Senate named in said message, was three times read (the rules of the House having first been dispensed with) and passed.

*Ordered*, That the clerk inform the Senate thereof.

On motion of Mr. Vandever,

The several previous orders of the day were postponed and the House proceeded to consider the bill to amend an act entitled an act for assessing and collecting the revenue, approved Feb. 10,

1831, and provide for an equitable and uniform mode of taxation.

On motion of Mr. Smith of R.,

The House then resolved itself into a committee of the whole on said bill and a bill to amend an act entitled an act for assessing and collecting the revenue approved February 10, 1831.

And after some time spent therein the Speaker resumed the chair, and Mr. Smith of R., reported the first named bill with sundry amendments,

The 1st 2nd 3d 4th 6th and 9th amendments made in committee of the whole to said bill was read and concurred in by the House.

The 5th 7th and 8th amendments made in committee were read and disagreed to.

Mr. Crume moved to amend the 16th section by striking out therefrom the words "taking into consideration" and inserting in lieu thereof the word "without," so as to provide that improvements shall not be taxed.

A division of the question being called for,

It was put on the first branch thereof to wit:

On striking out.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bennett, Bradbury, Bramwell, Crume, Dorsey, Edwards, Ferguson, Hardesty, Jones, Kiser, Leshe, Levenworth, Monroe, Noble, Pearson, Reid, Smith of F., Smith of K., Snapp, Stanford, Steele, Stuart, Thompson, Thornberry, Wallace, Williams, Wilson and Palmer, Speaker—28.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bigger, Brackenridge, Brady, Brown of L., Brown of T., Carter, Clark, Craig, Davenport, Davis, De Pauw, Dunn, Dunning, English, Evans, Fairman, Fields, Foster, Fowler, Gookins, Guion, Hargrove, Howell, Hughes, Huntington, Kelso, Kilgore, M'Bean, M'Donald, Moore, Nichols, Parker, Piercy, Smith of R., Stafford, Vance, Vandever, Willett, Woodruff, Wright of P., Wright P. and D. and Yocom—45.

So said motion was decided in the negative.

Mr. Carter moved to amend the bill by providing that the property of widows and orphans shall be exempt from taxation when it does not amount to \$500.

Debate ensuing thereon Mr. Smith of K., called the previous question which was seconded by two members,

And was thereupon put to wit:

Shall the main question be now put?

And decided in the negative.

On motion of Mr. Brown of T.,

The other bill committed to said committee was ordered to be laid on the table.

On motion of Mr. Snapp the vote taken on the passage of the engrossed joint resolution from the Senate providing for the survey of the lands along the Wabash and Erie canal ceded by the Miami Indians for the use of the canal, was reconsidered,

On motion of Mr. Dunning,

The vote was taken, on reading said joint resolution a third time, was reconsidered.

On motion of Mr. Huntington,

Said joint resolution was amended by adding at the end thereof the following:

"Be it further resolved, that whenever in the opinion of the canal commissioners, the interest of the state will be advanced by hiring laborers, to come to the canal line to work for contractors, or for the state, they shall be and are hereby empowered to hire such number of laborers at such times and places as they may deem proper, and to advance to the said laborers so employed their travelling expenses under such regulations and restrictions as are calculated to secure the reimbursement thereof, provided that the amount so expended, shall not in any one year exceed the sum of five thousand dollars."

Said amendment was then considered engrossed, the joint resolution read a third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in said amendment of the House.

On motion of Mr. Angle,

The title of said joint resolution was amended by adding at the end thereof these words "and for other purposes."

A message from the Senate by Mr. Morris their principal Secretary:

MR. SPEAKER,

The Senate recedes from its amendment to the engrossed bill of the House to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10, 1831.

The Senate concurs in the amendments proposed by the House to the engrossed bill of the Senate to incorporate the Rising Sun insurance company, also in the amendments proposed by the House to the engrossed bill of the Senate, to incorporate the Switzerland county Seminary.



The Senate has passed bills of the House entitled as follows:

An act for the formation of White county;

An act to incorporate the Indianapolis and Lafayette rail road company;

An act to attach the county of Carroll to the first judicial circuit and for other purposes, and

A joint resolution for the benefit of Randolph and Spencer counties;

With amendments to each.

In which the concurrence of the House of Representatives is requested.

The several amendments made by the Senate to the bills of the House in said message were read and concurred in.

A message from the Governor by Mr. Maguire his private Secretary:

**MR. SPEAKER:**

The bill entitled,

An act changing the time of holding courts in the 8th judicial circuit,

Did on yesterday, receive the approbation and signature of the Governor.

The House then proceeded to consider the orders of the day,

And resumed the consideration of the bill providing a loan for internal improvement and pledging the 3 per cent. fund for the payment thereof.

Mr. Evans thereupon, withdrew his said call for the previous question, pending when the bill was lost under consideration.

The question was then put on the motion of Mr. Colerick to recommit said bill to a select committee consisting of two members from each judicial circuit;

Which motion was decided in the negative.

On motion of Mr. Kiser,

The county of Bartholomew was stricken out from the amendment heretofore moved by Mr. Wallace;

Thereupon, Mr. Wallace withdrew his said amendment.

Mr. Wright of P. moved to amend the 10th section of the bill as follows, to wit:

“Reduce the Wabash appropriation to \$34,167 00 and amend the 11th section so as to give the county of Parke \$2,333 00.

Debate arising thereon,

Mr. Snapp called the previous question, which call was seconded by two members and thereupon put to wit:

Shall the main question be now put?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Bennett, Bigger, Brackenridge, Brown of T., Carter, Clark, Craig, Davenport, Dunn, Evans, Fairman, Howell, Hughes, Huntington, Levenworth, M'Donald, Pearson, Smith of K., Snapp, Stafford, Stuart, Thornberry, Vance, Vandever, Woodruff, and Wright of P. and D.—28.

*And those who voted in the negative, are*

Messrs. Beem, Bradbury, Brady, Bramwell, Brown of L., Crume, Davis, De Pauw, Dorsey, Dunning, Edwards, English, Ferguson, Fields, Foster, Fowler, Guard, Guion, Hardesty, Hargrove, Jones, Kelso, Kilgore, Kiser, Leslie, M'Bean, Monroe, Moore, Nichols, Noble, Parker, Piercy, Reid, Smith of F., Smith of R., Stanford, Steele, Thompson, Wallace, Willett, Williams, Wilson, Wright of P., Yocom and Palmer, Speaker—45.

So said motion was decided in the negative.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER;

The Senate has passed an engrossed bill entitled an act supplemental to an act establishing a state bank, approved Jan. 28, 1834; In which the concurrence of the House Representatives is requested.

The bill of the Senate named in said message was read the first time.

Mr. Kelso moved to reject the same;

Which motion was decided in the negative.

On motion of Mr. Howell,

Said bill was read a second time (the rules of the House having been dispensed with for that purpose,)

On motion of Mr. Dunn,

The 1st section thereof was amended by inserting before the word "branch" the words "one or more."

Mr. Thompson moved further to amend said bill by striking out of the first section before the word branches the word "and" and inserting in lieu thereof the word "or."

A division of the question being called for it was thereupon put on the first branch thereof to wit, on striking out,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Kilgore, Noble, Thompson and Willett—4.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown, of L., Brown of T., Carter, Clark, Craig, Crume, Davenport, Davis, Dorsey, Dunn, Dunning, Edwards, English, Evans, Fairman, Ferguson, Fields, Foster, Fowler, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Huntington, Jones, Kelso, Kiser, Leslie, Levenworth, M'Beau, M'Donald, Monroe, Moore, Ntchols, Parker, Piercy, Pearson, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Steele, Stuart, Thornberry, Vance, Vandever, Wallace, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D., Yocom and Palmer, Speaker—67.

So said motion was decided in the negative.

Said bill was then read the third time (the rules of the house being further suspended) and passed.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence in the amendment made by the House.

On motion of Mr. Smith of R.,

The resolution offered by Mr. Stuart and laid on the table on yesterday relative to the election of a president and directors for the state bank was taken up.

Mr. Kilgore moved to amend said resolution so as to go into the election instanter.

On motion of Mr. Thompson,

Said resolution was amended by striking out so much as relates to the election of four directors.

The question was then put on the motion of Mr. Kilgore so as to go into the election instanter,

And passed in the affirmative, when

On motion of Mr. Dunn,

*Ordered*, That the said resolution do lie on the table.

Mr. Howell made the following report:

The committee to whom was referred an enquiry into the expediency of memorializing Congress for the passage of an act for the gradual reduction of the price of the public land, where the same shall have been a reasonable time in market, under such regulations as will encourage actual settlers, prevent speculation, and best comport with the public interest, have taken the subject under consideration and after due deliberation thereon a majority thereof concur in the following report and memorial entitled a joint resolution relative to the public lands;

Which was read the first time and passed to a second reading.

Mr. English from the joint committee of enrolled bills reported that they did on this day present to the Governor for his approval and signature a preamble and joint resolution and acts as follows, to wit:



A preamble and joint resolution in relation to horses lost by the rangers raised under an act of Congress, approved Jan. 15, 1832 for the defence and protection of the north western frontier of the United States;

An act concerning costs and fee sin criminal cases;

A preamble and joint resolution in relation to horses lost by the rangers and volunteer military of Indiana;

A joint memorial and resolution to the Congress of the United States;

An act to relocate a part of the state road leading from Williamsport in Warren county to the state line in the direction of Danville Illinois;

An act to legalize the sale of the town lots in the town of New Castle and for other purposes;

An act to appoint cammissioners on the state road from Fredonia to the mouth of the Wabash and for other purposes;

An act for the relief Rebeca M'Kown;

An act to incorporate the Vincennes steam paper manufacturing company;

An act to incorporate the Perry county seminary;

An act to provide for the election of a justice of the peace in the town of Pendleton;

An act attaching certain territory therein named for judicial and Representative purposes;

An act to incorporate the Levenworth manufacturing company;

An act to incorporate the town of Centreville, Wayne county, Indiana;

An act to provide for the location of the Huntington and New Cumberland state road;

An act for the relief of Robert Patterson;

An act to incorporate the Franklin county library company, and

An act to amend an act entitled an act regulating the mode of doing county business in the several counties of this state, approved January 19, 1831.

Mr. Fairman made the following report:

The select committee to whom was referred the resolution relative to the milch sickness, have had the same under consideration and after mature deliberation have directed me to report, that the subject is one of vital importance to the citizens of this state, but are not satisfied that any material advantage can be obtained by legistating upon that subject at this time, but would recommend it to the medical profession and other persons throughout the state, and solicit that any information that may be obtained relative to that disease, that is deemed of sufficient im-

portance to interest the legislature be transmitted to the Speaker of the House of Representatives at some future session;

Which was read and concurred in.

The House then went into the consideration of the orders of the day,

And resumed the consideration of the bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831.

On motion of Mr. Clark,

The vote heretofore taken on extending the provisions of said bill to the county of Jefferson, was reconsidered.

The question recurred on the motion of Mr. Brady to insert the county of Jefferson in said bill,

And decided in the negative.

Mr. M'Donald moved to lay said bill &c. on the table;

Which motion did not prevail.

On motion of Mr. Piercy,

Said bill was amended so as not to affect any contract made prior to the passage of this act.

Mr. Snapp moved to postpone the further consideration thereof indefinitely,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bigger, Bradbury, Crume, Edwards, Ferguson, Guard, Hardesty, Hughes, Jones, Kilgore, Levenworth, M'Donald, Noble, Parker, Pearson, Reid, Smith of F., Snapp, Stanford, Steele, Stuart, Thornberry and Wallace—24.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Brackenridge, Brady, Brown of L., Brown of T., Carter, Clark, Craig, Davenport, Davis, De Pauw, Dunning, English, Evans, Fairman, Fields, Fowler, Guion, Hargrove, Kelso, Kiser, Leslie, M'Bean, Monroe, Moore, Nichols, Piercy, Smith of R., Stafford, Vance, Vandever, Williams, Wilson Woodruff, Wright of P., Wright of P. and D., and Yocom—39.

So said motion was decided in the negative.

And then the House adjourned until to-morrow morning at half past 8 o'clock.

THURSDAY MORNING, JANUARY 30, 1831

House met pursuant to adjournment.

Mr. M'Bean from the select committee to which was referred a petition on that subject, reported a bill to authorize the location of a state road from Fort Wayne in Allen county to Yellow river where the Michigan road crosses the same;

Which was three times read (the rules of the House having first been dispensed with) and passed.

*Ordered*, That it be entitled an act and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Reid made the following report:

The committee on military affairs to which was referred sundry resolutions of this House on the subject of the militia; have had the same under consideration and have directed me to report, that in their opinion it is unnecessary at this time to legislate on the subjects referred to in said resolutions, and ask to be discharged from the further consideration of the same;

Which was read and concurred in.

Mr. Reid made a further report, as follows:

The committee on military affairs to which was referred a communication from the state of Delaware on the subject of a uniform law for the government of the militia of the United States, and also a resolution of this House on the same subject, have had the same under consideration and have directed me to report a joint resolution, entitled a joint resolution on the subject of the organization of the militia of the United States;

Which was three times read (the rules of the House having been dispensed with) and passed.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence.

Mr. Dunning from the joint committee on enrolled bills, reported that they have compared the enrolled with the engrossed bills of the Senate entitled acts as follows, to wit:

An act to authorize John M. Lemon, John Brown, David Dinwiddie and Andrew Burnsides to build a toll bridge across the Kankakee river;

An act to amend the act entitled an act to organize probate courts and defining the powers and duties of executors, administrators and guardians, approved February 10, 1831;

An act for the relief of Samuel Darnell; and

An act to locate and open a state road from Strawtown in Hamilton county to Miamisport in the county of Miami; and

A joint resolution relative to the three per cent. fund;

And find the same truly enrolled.

Whereupon,

The Speaker signed the same.



*Ordered*, That the Clerk carry them to the Senate for the signature of their President.

Mr. Dunning from the judiciary committee to which a petition was referred on that subject reported a bill to authorize the transfer and conveyance of certain real estate therein named;

Which was three times read (the rules of the House having first been dispensed with) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Brady presented a petition of Thomas Woods and others relative to the executive officer of the supreme court;

Which was read, when

Mr. Brady moved to refer the same to the judiciary committee; when

On motion of Mr. Bramwell,

Laid on the table.

Mr. Gookins from the joint committee on enrolled bills report that they have compared the engrossed with the enrolled bills entitled acts as follows, to wit:

An act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831;

An act defining the duties of commissioners appointed to locate state roads and for other purposes;

An act to provide for the location of a state road from Knightstown in Henry county, via Hill's mills to Freeport in Shelby county;

An act authorizing the location of the seat of justice of Huntington county and for other purposes;

An act to provide for the printing of the laws of the present session of the General Assembly;

A memorial to the Congress of the United States on the subject of the establishment of a national hospital on the Ohio river;

A joint resolution concerning the state library;

An act to amend an act entitled an act to provide for the appointment of a circuit prosecutor and defining his duty, approved January the 20th, 1831;

A memorial and joint resolution of the General Assembly of the state of Indiana to procure an appropriation in land or money to improve the navigation of the Wabash, Big St. Joseph's and White rivers,

And find the same truly enrolled.

Whereupon,

The Seaker signed the same.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

Mr. Wright of P. presented a remonstrance of Joseph Stephenson and others against a change in a certain state road;

Which was read and laid on the table.

Mr. Gaion presented a petition of Mark M'Cracken and others relative to the collection of Militia fines;

Which was read and laid on the table.

Mr. Crume from the committee of ways and means made the following report:

[See Appendix C.]

Ordered, That 1000 copies thereof be printed for the use of the members of the House.

Mr. Crume from the committee of ways and means after having obtained leave, reported a bill making general appropriations for the year 1834;

Which was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to morrow.

Mr. Crume from the committee of ways and means, on leave reported a bill making specific appropriations for the year 1834;

Which was twice read (the of rules the House having first been dispensed with) and committed to the same committee of the whole House last above named.

Mr. Evans after having obtained leave presented a bill authorizing a law for internal improvement;

Which was read the first time. when

Mr. Vandever moved to reject the same;

Which motion did not prevail.

Said bill was then ordered to pass to second reading to-morrow.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER,

The Senate disagree to the amendment proposed by the House to the engrossed bill of the Senate supplemental to an act establishing a state bank, approved Jan. 28, 1834.

On motion of Mr. Braday,

The House receded from the amendment made to said bill.

A further message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate concurs in the several amendments proposed by the House of Representatives to the engrossed bill of the Senate to provide for opening and repairing public roads and highways in Owen county.

The Senate has passed engrossed bills of the House entitled acts as follows:

An act to declare a certain county road therein named to be a state road;

An act to amend an act entitled an act to incorporate the town of Madison;

An act to amend an act to locate a state road from Delphi to Munceytown, approved February 1, 1833;

An act to regulate the fees of the commissioners of Grant county;

An act to amend an act entitled an act organizing circuit courts and defining their powers and duties, and for other purposes;

An act establishing the route of a part of the Indianapolis and Madison state road;

An act supplemental to an act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 2, 1833;

An act for the relief of Alexander Massey;

An act to authorize the trustees of Charleston in the county of Clark to lay off a certain street therein named;

An act to provide for the location of the Muncietown and Fort Wayne state road;

An act to authorize Daniel Bales of Morgan county to pay over to James S. Hadley the sum of fifteen dollars out of a road fund in his hands; and

An act providing for an additional place of holding elections in the several counties in this state,

All without amendment except last the named.

The Senate has also passed engrossed bills of the Senate entitled as follows:

An act to incorporate the Kankakee manufacturing company; and

An act in relation to the monies arising from leases of saline reservations and for other purposes.

In which bills of the Senate and the amendment proposed to the bill of the House the concurrence of the House of Representatives is requested.

The amendment of the Senate to the bill of the House named in said message, was read and concurred in.

The bill of the Senate first named in said message, was twice read the rules of the House having first been dispensed with) and

On motion of Mr. Thompson,

The 13th section of said bill was amended as follows: by striking out these words "and the judgement of the circuit court shall be final."

*Ordered*, That said amendment be engrossed and the bill read a third time to-morrow.

The bill of the Senate secondly named in said message, was twice read (the rules of the House having first been dispensed with.)

Mr. Kelso moved to restrict the loan named in said bill to 12 months;

Which motion did not prevail.

On motion of Mr. Palmer (Mr. Stanford occupying the chair at the time.)

Said bill was amended so that the principal and interest thereon be set apart to the use of common schools.



Said bill was then read the third time (the rules of the House having first been dispensed with) and passed.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence in the amendment made by the House to said bill.

Mr. Moore made the following report:

The select committee to which was referred the petition of Oliver Cromwell and others, praying for a change in the law relative to roads and highways, have had that subject under consideration and now report that an act in accordance with the prayer of the petitioners having been already passed at the present session of the General Assembly, they deem it inexpedient to legislate further on the subject and ask to be discharged from the further consideration thereof; which was read and concurred in.

Mr. Dorsey moved to take up the engrossed bill supplemental to an act to establish a college in the state of Indiana, heretofore laid on the table.

On motion of Mr. Dunn,

Said motion was amended so as to consider bills on their third reading.

The House thereupon proceeded to consider bills on their 3rd reading.

Engrossed bills of the House of the following titles, to wit:

A bill to amend an act entitled an act to incorporate the Ohio and Lafayette rail road company, approved Feb. 2, 1832;

A bill to authorize the survey of roads in the county of Switzerland;

A bill to incorporate the Charlestown manufacturing company;

A bill to relocate the Martinsville and Edinburgh state road; and

A bill to locate a state road from the county seat of Lagrange county to the county seat of Elkhart county,

Were severally read the third time and passed.

*Ordered*, That they be entitled an acts, and that the clerk carry them to the Senate and ask their concurrence.

The bill to authorize James Alexander former collector of Monroe county yet to collect any taxes remaining due and unpaid in said county for the year or years for which said Alexander was collector, was read a third time, amended by unanimous consent, and passed.

*Ordered*, That it be entitled an act and that the Clerk carry it to the Senate and ask their concurrence.

The engrossed bill from the Senate declaring what shall be evidence in certain cases,

Was read a third time.

The question was then put shall said bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Bigger, Brackenridge, Brady, Brad-

bury, Bramwell, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Crume, Davis, Dunn, Dunning, Edwards, English, Evans, Ferguson, Fields, Foster, Fowler, Guard, Guion, Hardesty, Howell, Huntington, Jones, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Nichols, Parker, Pearson, Piercy, Reid, Smith of F., Smith of K., Smith of R., Stanford, Steele, Stuart, Thompson, Thornberry, Vandever, Wallace, Williams, Wilson, Wright of P., Wright of P. & D., Yocom and Palmer, Speaker—57.

*And those who voted in the negative, are*

Messrs. Baber, Beem, Dorsey, Hughes, Stafford and Willett—6.

So said bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Engrossed bills of the Senate of the following titles, to wit:

An act to authorize the location of a state road from Decatur county to South Bend in St. Joseph county;

An act to amend an act organizing and defining the powers and duties of executors, administrators and guardians, approved Feb. 10, 1831; and

An act to authorize and require the loaning of the library monies of the county of Dubois to the board of commissioners of said county,

Were severally read the third time and passed.

*Ordered*, That the clerk inform the Senate thereof.

The engrossed bill from the Senate to amend and revise the act entitled an act to incorporate the several townships in the county of Dearborn,

Was read the third time and passed; and

On motion of Mr. Kelso,

The title thereof was amended by adding at the end thereof these words "and for other purposes."

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence in the amendments made by the House.

The engrossed bill of the Senate for the relief of the securities of certain officers,

Was read the second time, amended by unanimous consent.

Mr. Bigger moved to lay the same on the table;

Which motion did not prevail.

The question was then put shall said bill pass?

And carried in the affirmative.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence in the amendment made by the House.

The engrossed bill of the Senate to amend an act entitled an act to subject real and personal estate to execution, approved Feb. 4, 1831, was read the third time.

Mr. Smith of F. moved to lay the same on the table;

Which motion did not prevail.

The question then was put, shall the bill pass?

And carried in the affirmative.

*Ordered*, That the Clerk inform the Senate thereof.

The engrossed bill to establish a state road from Hill's mills in Rush county to Rezin Davis' in Shelby county, was read the third time, amended by unanimous consent and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Or motion of Mr. Dorsey,

The bill supplemental to an act to establish a college in the state of Indiana, heretofore laid on the table was taken up, read the third time, amended by unanimous consent and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Bennett from the joint committee of enrolled bills, reported that they have compared the enrolled with the engrossed bill entitled

An act supplemental to an act entitled an act establishing a state bank, approved January 28, 1834;

And find the same truly enrolled.

Whereupon,

The Speaker signed said bill.

*Ordered*, That the clerk carry it to the Senate for the signature of their President.

A message from the Senate by Mr. Morris their Secretary.

**MR. SPEAKER:**

The Senate concurs in the 2nd amendment and in the 1st amendment with two amendments, proposed by the House to the engrossed joint resolution of the Senate, providing for the survey of the lands along the Wabash and Erie canal, ceded by the Miami Indians for the use of the canal.

In which amendments of the Senate the concurrence of the House of Representatives is requested.

The House concurred in the amendments by the Senate to the 1st amendment of the House to the joint resolution named in said message.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Willett, after having obtained leave, moved the following resolution:

*Resolved*, That when this House shall proceed to the election of president of the state bank, it will cause the doors to be closed and exclude all persons but the members and officers thereof, all of whom shall be deemed prohibited from communicating the result of any ballot until a choice shall have been made to compare with the Senate, and when such choice shall be made the name of the person chosen shall be communicated to the Senate without the number of votes given to such choice or any other person, and the result of any ballot or ballots shall not be published beyond the members and officers of this house, until a choice is



made by the two houses on a joint ballot of the members thereof; that the same course be observed in choosing state directors, and the Senate be informed of this resolution, and the Senate be requested to adopt a similar resolution; which was read, when

Mr. Fowler moved to lay the same on the table; which motion did not prevail.

The question was then put, shall the resolution be adopted?

And passed in the affirmative.

*Ordered*, That Mr. Willett inform the Senate thereof.

The engrossed bill of the Senate to incorporate the Indiana north west rail road company, was read the second time, when

On motion of Mr. Pearson,

Said bill was amended as follows: amend the 7th section by striking out the words "two thousand" in the 1st and 14th lines and inserting in lieu thereof the words "five hundred."

Said bill was then read the third time (the rules of the House having first been dispensed with) and passed.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence in the amendment made by the House.

The bill to provide compensation to the sheriff and constables for certain service, was read the second and third times (the rules of the House having first been dispensed with) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

The House proceeded to consider the bill to amend an act entitled an act for assessing and collecting the revenue, approved Feb. 10, 1831, and to provide a more equitable and uniform mode of taxation,

And resumed the consideration of the amendment proposed by Mr. Carter pending when said bill was last under consideration.

On motion of Mr. Brackenridge,

Said amendment was amended by striking out "\$500" and inserting in lieu thereof "\$300."

Mr. Evans moved further to amend said amendment by striking out so much as relates to real estate; which motion did not prevail.

Said amendment as amended was then agreed to.

Mr. Guion moved further to amend said bill as follows:

5th section, strike out these words in 2nd and 3rd lines:

He shall forfeit and pay to the county the sum of twenty-five dollars to be recovered by action of debt to be prosecuted by and in the name of the county treasurer; which motion was decided in the negative.

Mr. Crume moved to amend the bill as follows:

Amend the 16th section so as to exempt improvement on farms from taxation.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative are*

Messrs. Bennett, Bradbury, Bramwell, Crume, Dorsey, Edwards, Ferguson, Hardesty, Monroe, Parker, Pearson, Reid, Smith of F., Smith of K., Snapp, Stafford, Stanford, Steele, Stuart, Thornberry, Wallace, Williams, Wilson and Palmer, Speaker—24.

*And those who voted in the negative are,*

Messrs. Baber, Beem, Brackenridge, Brady, Brown of L., Brown of T., Carter, Clark, Colerick, Craig, Davis, Dunn, English, Evans, Fairman, Fields, Fowler, Guion, Howell, Huntington, Kelso, Kilgore, Kiser, Leslie, Levenworth, M'Bean, M'Donald, Moore, Nichols, Smith of R., Vance, Vandever, Willett, Woodruff, Wright of P. & D. and Yocom—36.

So said motion was decided in the negative.

Mr. Bennett moved to postpone the further consideration of said bill indefinitely.

And then the House adjourned until half past 1 o'clock, P. M.

*half past 1 o'clock, P. M.*

The House met pursuant to adjournment,

And resumed the consideration of the bill pending at the last adjournment,

And debate arising thereon,

Mr. Kelso called the previous question which was seconded by by two members, and was thereupon put to wit:

Shall the main question be now put?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bigger, Brackenridge, Brady, Bramwell, Brown of L., Brown of T., Carter, Clark, Craig, Davis, Dunning, Edwards, English, Evans, Fairman, Fields, Fowler, Howell, Hughes, Kelso, Kilgore, M'Bean, M'Donald, Moore, Nichols, Parker, Smith of R., Snapp, Stafford, Stuart, Vance, Vandever, Woodruff, Wright of P., Wright of P. and D. and Yocom—36.

*And those who voted in the negative, are*

Messrs. Bradbury, Crume, Dorsey, Ferguson, Hardesty, Jones, Leslie, Levenworth, Monroe, Noble, Piercy, Reid, Smith of F., Smith of K., Stanford, Steele, Thornberry, Wallace, Williams, Wilson and Palmer, Speaker—21.

So said previous question passed in the affirmative.

The main question was thereupon put to wit:

Shall the bill be engrossed and read a third time,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bigger, Brackenridge, Brady, Brown of L., Brown of T., Carter, Clark, Craig, Davis, Dunn, Dunning, English, Evans, Fairman, Fields, Fowler, Guion, Howell, Hughes, Kelso, Kilgore, Levenworth, M'Bean, Moore, Nichols, Parker, Piercy, Smith of R., Stafford, Vance, Vandever, Woodruff, Wright of P., Wright of P. and D. and Yocom—38.

*And those who voted in the negative, are*

Messrs. Bennett, Bradbury, Bramwell, Crume, Dorsey, Edwards, Ferguson, Foster, Jones, Leslie, M'Donald, Monroe, Noble, Pearson, Reid, Smith of F., Smith of K., Snapp, Stanford, Steele, Stuart, Thornberry, Wallace, Williams, Wilson and Palmer, Speaker—26.

So said bill was ordered to be engrossed and read a third time to-morrow.

The House then resumed the consideration of the bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831.

The question was then put, shall said bill be engrossed and read a third time.

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Brady, Brown of L., Brown of T., Carter, Clark, Craig, Davis, Dunning, English, Evans, Fairman, Fields, Guion, Hargrove, Hughes, Kelso, Kiser, Leslie, M'Bean, Monroe, Moore, Nichols, Parker, Piercy, Smith of R., Stafford, Thornberry, Vance, Vandever, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D. and Yocom—38.

*And those who voted in the negative, are*

Messrs. Bennett, Brackenridge, Bradbury, Bramwell, Crume, Dorsey, Edwards, Ferguson, Foster, Fowler, Huntington, Jones, Kilgore, Levenworth, M'Donald, Noble, Reid, Smith of F.



Smith of K., Snapp, Stanford, Steele, Stuart, Wallace, Willett and Palmer, Speaker—26.

So said question passed in the affirmative.

Said bill was then read a third time (the rules of the House having been dispensed with.)

The question was then put, shall said bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Brady, Brown of L., Brown of T., Carter, Clark, Craig, Davis, Dunning, English, Evans, Fairman, Fields, Guion, Hargrove, Kelso, Kiser, Leslie, M'Bean, Monroe, Moore, Nichols, Piercy, Smith of R., Stafford, Vance, Vandever, Williams, Wilson, Woodruff, Wright of P. and D. and Yocom—34.

*And those who voted in the negative, are*

Messrs. Bennett, Bigger, Brackenridge, Bradbury, Bramwell, Crume, Dorsey, Edwards, Ferguson, Foster, Fowler, Howell, Huntington, Jones, Kilgore Levenworth, M'Donald, Noble, Parker, Reid, Smith of F., Smith of K., Snapp, Stanford, Steele, Stuart, Thornberry, Wallace, Willett, Wright of P., and Palmer, Speaker—31.

So said bill passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

A message from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER:

His excellency the Governor did on this day approve and sign,

An act to amend an act entitled an act regulating the mode of doing county business in the several counties of this state;

An act to appoint commissioners on the state road from Fredonia to the mouth of the Wabash and for other purposes;

An act to provide for the location of the Huntington and New Cumberland state road;

An act for the relief Rebeca M'Kown;

A joint memorial and resolution to the Congress of the United States; and

A preamble and joint resolution in relation to horses lost by the rangers and volunteer militia of Indiana;

Which originated in the House of Representatives.

Mr. Bennett from the joint committee of enrolled bills reported that they have on this day presented to His Excellency the Governor for his approval and signature bills entitled acts as follows, to wit:

An act changing the time of holding courts in the eighth judicial circuit;

An act to alter and re-establish the charter of the town of Richmond, and

An act supplemental to an act entitled an act establishing a state bank, approved January 28, 1834.

On motion of Woodruff,

Mr. Davenport had leave of absence from the service of the House until Monday next.

The House then resumed the consideration of the bill authorizing a loan for internal improvement and pledging the 3 per cent. fund for the payment thereof.

The question recurred on the pending amendment to said bill, proposed by Mr. Wright of P., and before the question was had thereon,

The following message was received from the Senate by Mr. Morris their Secretary:

MR. SPEAKER:

The Senate reciprocate the resolutions of the House relative to closing the doors of the two Houses during the pendency of the election of president and directors of the state bank.

The Senate has adopted the following resolution:

*Resolved*, That the Senate will on this day at 2 o'clock, (the House of Representatives concurring) proceed to the election of a president and directors of the state bank, and that the Secretary of the Senate inform the House of the adoption of this resolution.

Mr. Huntington, after having obtained leave, moved the following resolution:

*Resolved*, That this House reciprocate the resolution of the Senate fixing on this day at 2 o'clock for the election of a President and directors of the bank;

Which was read and adopted.

The House then proceeded to the election of a president of the state bank, Messrs. Carter and Stanford acting as tellers,

And on counting the first ballot it appeared that Samuel Merrill had 33 votes; John Sering 18; Gamaliel Taylor 16; Scattering 3.

No person having a majority of all the votes given, the House proceeded to a second ballot.

On the Second ballot Samuel Merrill received 37 votes; John Sering 15; Gamaliel Taylor 17; Blank one vote.

So Samuel Merrill received a majority of all the votes given for the office aforesaid.

*Ordered*, That the Mr. Dunn inform the Senate thereof.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

I am directed by the Senate to inform the House of Representatives that Samuel Merrill has received a majority of all the votes of the Senate for the office of President of the state bank.

The House then proceeded to the election of four directors for the state bank.

On the first ballot Calvin Fletcher had 30 votes; Samuel Henderson 17; James Givens 19; James Blake 8; Newton Claypool 20; Robert Morrison 20; Christopher Harrison 22; Joseph L. Sloan 21; Lott Bloomfield 12; Isaac Stuart 2; Seton W. Norris 20; David H. Maxwell 9; Livingston Dunlap 11; Alexander Worth 10; John Vawter 6; John B. Moyer 11; Lucius H. Scott 6; B. I. Blythe 6; Scattering 21.

No person having received a majority of all the votes given the House proceeded to a second ballot.

On the second ballot Robert Morrison had 18 votes: Newton Claypool 15; Christopher Harrison 27; Calvin Fletcher 30; Samuel Henderson 15; James Givens 22; James Blake 14; J. L. Sloan 18; Lott Bloomfield 10; S. W. Norris 27; D. H. Maxwell 12; L. Dunlap 11; Alexander Worth 3; J. B. Moyer 10; John Vawter 6; L. H. Scott 15; B. I. Blythe 5; Scattering 9.

No person having received a majority of all the votes given, the House proceeded to a third ballot.

On the 3d ballot Robt. Morrison had 18 votes; Newton Claypool 14; Christopher Harrison 35; Calvin Fletcher 30; Samuel Henderson 10; James Givens 19; James Blake 14; J. L. Sloan 19; Lott Bloomfield 5; S. W. Norris 32; D. H. Maxwell 6; L. Dunlap 10; J. B. Moyer 12; John Vawter 6; L. H. Scott 13; Scattering 14.

No person having yet received a majority of all the votes given, the House proceeded to a 4th ballot.

On the 4th ballot Robert Morrison had 12 votes; Newton Claypool 17; Christopher Harrison 43; Calvin Fletcher 28; S. W. Norris 37; Samuel Henderson 11; James Givens 14; James Blake 17; J. L. Sloan 17; Lott Bloomfield 6; D. H. Maxwell 7; L. Dunlap 8; J. B. Moyer 14; B. I. Blythe 2; Alex. Worth 3; Achillis Williams 9; Scattering 7.

Christopher Harrison, and Seton W. Norris having received a majority of all the votes given, were declared elected on the part of the House as two of the directors as aforesaid.

The House then proceeded to the election of two other directors.



On counting the 5th ballot Robert Morrison had 7 votes; Newton Claypool 20; Calvin Fletcher 31; Samuel Henderson 13; James Givens 3; James Blake 12; D. H. Maxwell 6; L. Dunlap 8; J. B. Moyer 6; A. Williams 13; L. H. Scott 9; John Vawter 4; Scattering 2.

No person receiving a majority of all the votes given, the House proceeded to a 6th ballot.

On the 6th ballot Newton Claypool had 34 votes; Calvin Fletcher 33; Samuel Henderson 9; James Blake 9; D. H. Maxwell 4; L. Dunlap 8; A. Williams 19; L. H. Scott 18; Scattering 2;

No person yet having received a majority of all the votes given, the House proceeded to a 7th ballot.

On the 7th ballot Calvin Fletcher had 33 votes; Newton Claypool 43; A. Williams 21; L. H. Scott 30; Scattering 7.

Newton Claypool having received a majority of all the votes given was chosen a third bank director on the part of the House.

The House thereupon proceeded to an 8th ballot.

On the 8th ballot Calvin Fletcher had 10 votes; L. H. Scott 51; Scattering 4.

Lucius H. Scott having received a majority of all the votes given was declared chosen on part of the House as 4th director of the state bank.

*Ordered*, That the clerk inform the Senate that the above named Christopher Harrison, Seton W. Norris, Newton Claypool and Lucius H. Scott have been chosen on part of the House as state directors of the state bank.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that Calvin Fletcher, David H. Maxwell, Robert Morrison and James Givens have received a majority of all the votes of the Senate for the office of state directors of the state bank.

And then the House adjourned until to-morrow morning at half past 8 o'clock.

## FRIDAY MORNING, JANUARY 31, 1834.

The House met pursuant to adjournment.

Mr. Dunning from the joint committee on enrolled bills now report, that they have compared the enrolled with the engrossed bills of the House of Representatives entitled acts as follows, and a memorial and joint resolution entitled as follows:

An act to declare a certain road therein named to be a state road;

An act to vacate the town of Union in Boone county in the state of Indiana;

An act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved 10th February, 1831;

An act to relocate part of the state road from Madison to Indianapolis;

An act to legalize the proceedings of the county commissioners in Bartholomew county, at their January term, 1832;

An act to vacate the town of Darlington in Grant county;

An act to amend an act entitled an act amendary to an act entitled an act to organize Probate courts and defining the powers and duties of executors, administrators and guardians, approved Feb. 3, 1832;

An act for the formation of White county;

An act to change part of the state road leading from the Cumberland to the Lafayette road at Burke's run;

An act to attach the county of Carroll to the first judicial circuit and for other purposes;

An act to incorporate the New Albany and Jeffersonville rail road; and

A joint resolution for the benefit of Randolph, Spencer, and Laporte counties and for other purposes; and

A memorial on the subject of the National road;

And find the same truly enrolled.

Whereupon, the Speaker signed the same.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

Mr. Willett, after having obtained leave, presented a joint resolution relative to insurance companies;

Which was three times read, (the rules of the House having first been dispensed with,) and passed.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence.

Mr. Steele, after having obtained leave, presented a joint resolution authorizing the agent of state for the town of Indianapolis to convey certain lands;

Which was three times read, (the rules of the House having first been dispensed with,) and passed.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence.

Mr. Huntington, after having obtained leave, moved the following resolution, which was read and adopted:

*Resolved*, That this House will proceed instantler to the election of bank directors, the Senate concurring therein.

*Ordered*, That Mr. Huntington inform the Senate of the adoption of said resolution.

Mr. Wilson, after having obtained leave, moved the following preamble and resolution:

Whereas, a bill establishing a state bank and branches has passed both Houses of this General Assembly, and whereas a provision has been inserted in said bill giving to the bank and branches five years for the redemption of any real property owned by said bank and branches which may have been sold for taxes, and whereas the law now in force allows only three years to individuals for the redemption of their property under similar circumstances; therefore,

*Resolved*, That a select committee be appointed with instructions to report a bill extending the time of redeeming lands sold for taxes to five years;

Which was read and adopted.

*Ordered*, That Messrs. Wilson, Stanford and Brackenridge be that committee.

Mr. Stafford presented a petition of James M'Intire and others, on the subject of a state road from Indianapolis to Levenworth;

Which was read and laid on the table.

Mr. Woodruff presented a petition of H. B. Roland and others, relative to a congressional township in Johnson county;

Which was read and referred to a select committee of Messrs. Woodruff, Stanford, and Brady.

On motion of Mr. Davis,

The bill to locate a state road from Robert Hankins' to William Hillico's, heretofore laid on the table, was taken up, and,

On motion of Mr. Willett,

Committed to a select committee of Messrs. Willett, Davis, and Woodruff.

Mr. Guard from the select committee to which was referred a petition on that subject, reported a bill to locate a state road in Dearborn county;

Which was three times read, (the rules of the House having first been dispensed with,) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Foster, after having obtained leave, presented a bill to authorize the county board of Madison county to change the name of the town of West Union in said county;

Which was three times read, (the rules of the House having first been dispensed with,) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Howell, on leave, presented a bill to provide for the election of a justice of the peace in the town of Jentryville;

Which was three times read, (the rules of the House being dispensed with,) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.



Mr. Hargrove made the following report:

The committee on claims to which was referred the certificate of the clerk of Fayette county and Auditor of public accounts, have had the same under their consideration, and on that subject, report the following resolution:

*Resolved*, That James C. Reabe allowed in the specific appropriation bill the sum of \$12 211 cts. for moneys paid the state by him through mistake, as collector of Fayette county, for the year 1833;

Which was read and committed to the same committee of the whole to which is committed the bill making specific appropriations for the year 1834.

Mr. Willett from the select committee to which was committed the bill to locate a state road from Robert Hankins' to William Hillico's, reported the same with one amendment;

Which was read and concurred in.

Said bill was then read the third time and passed.

*Ordered*, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Woodruff from the select committee to which was referred a petition on that subject, reported a bill to locate a state road from a point near Joab Woodruff's to Franklin in Johnson county;

Which was three times read, (the rules of the House having first been dispensed with,) and passed.

*Ordered*, That it be entitled an act, and that the clerk inform the Senate thereof and ask their concurrence.

On motion of Mr. Stanford.

The House proceeded to consider bills on their second reading, And resumed the consideration of the bill authorizing a loan for internal improvement and pledging the three per cent. for the payment thereof.

Mr. Wright of P. moved to postpone the further consideration thereof indefinitely;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bigger, Bradbury, Bramwell, Brown of L., Clark, Cole-  
rick, Crume, De Pauw, Dorsey, Edwards, Fowler, Hardesty,  
Jones, Kiser, M'Bean, M'Donald, Monroe, Nichols, Noble, Par-  
ker, Piercy, Smith of P., Smith of R., Stanford, Steele, Stuart,  
Thompson, Thornberry, Wallace, Willett, Williams, Wilson,  
Woodruff, Wright of P., and Panner, Speaker—35.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Bigger, Brackenridge,  
Brady, Brown of T., Carter, Craig, Davis, Dunn, Dunning, En-

glish, Evans, Fairman, Ferguson, Fields, Foster, Gookins, Guard, Guion, Hargrove, Howell, Hughes, Huntington, Kelso, Kilgore, Levenworth, Moore, Pearson, Reid, Smith of K., Snapp, Stafford, Vance, Vandever, Wright of P. and D. and Yocom—38.

So said bill was not indefinitely postponed.

The question was then put on the motion to amend as heretofore proposed by Mr. Wright of P.;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Colerick, Crume, Davis, De Pauw, Dorsey, Dunning, Edwards, Foster, Fowler, Hardesty, Jones, Kelso, Kilgore, Kiser, Leslie, M'Bean, Monroe, Nichols, Noble, Parker, Pierce, Smith of F., Smith of R., Stanford, Steele, Stuart, Thompson, Thornberry, Wallace, Willett, Williams, Wilson, Woodruff, Wright of P., Yocom, and Palmer, Speaker—42.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Bennett, Bigger, Brown of T., Carter, Clark, Craig, Dunn, English, Evans, Fairman, Ferguson, Fields, Gookins, Guard, Guion, Hargrove, Howell, Hughes, Huntington, Levenworth, McDonald, Moore, Pearson, Reid, Smith of K., Snapp, Stafford, Vance, Vandever, and Wright of P. and D.—32.

So said motion passed in the affirmative.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER:

The Senate reciprocates the resolution of the House to proceed to the election of state directors for the state bank.

The House then proceeded to a second attempt at an election of four state directors of the state bank.

On the first ballot Seton W. Norris had 56 votes; Christopher Harrison 36; Lucius H. Scott 43; Newton Claypool 30; Calvin Fletcher 33; James Blake 12; Samuel Henderson 5; Robert Morrison 13; John B. Moyer 13; Livingston Dunlap 11; James Givans 11; Scattering 14.

Seton W. Norris, Lucius H. Scott, and Christopher Harrison having received a majority of all the votes given, were declared chosen on the part of the House as three of said bank directors.

There being yet a fourth director to choose, the House proceeded to a second ballot.

On the second ballot Newton Claypool had 18 votes; Calvin Fletcher 42; Scattering 16.

Calvin Fletcher having received a majority of all the votes given, was declared duly elected on the part of the House as a fourth state bank director of the state bank.

*Ordered*, That the clerk inform the Senate of the choice made by the House on their second attempt, &c.

The House then proceeded to consider the bill authorizing a loan for internal improvement and pledging the three per cent. fund for the payment thereof, pending when the House went into the election of bank directors;

And debate arising thereon,

Mr. Bigger called the previous question, which was seconded by two members, and was thereupon put, to-wit:

Shall the main question be now put?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bennett, Bigger, Bradbury, Bramwell, Brown of T., Carter, Clark, Colerick, Craig, Crume, Davis, De Pauw, Dorsey, Dunn, Dunning, Edwards, English, Fairman, Ferguson, Fields, Fowler, Gookins, Guion, Huntington, Jones, Kilgore, Kiser, Levenworth, M'Bean, Monroe, Moore, Nichols, Parker, Reid, Smith of F., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Thornberry, Vance, Vandever, Wallace, Willett, Williams, Wilson, Woodruff, Wright of P. and D., Yocom, and Palmer—55.

*And those who voted in the negative, are*

Messrs. Baber, Brackenridge, Brown of L., Foster, Guard, Hardesty, Howell, Hughes, Leslie, M'Donald, Noble, and Wright of P.—12.

So said previous question passed in the affirmative.

The main question was thereupon put, to-wit:

Shall the bill be engrossed and read a third time?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bennett, Brackenridge, Brady, Carter, Craig, Davis, Dunn, Dunning, Ferguson, Fields, Foster, Guard, Guion, Hargrove, Howell, Kelso, Kilgore, Levenworth, Moore, Reid, Stafford, Vandever, Woodruff, Wright of P. and D., and Yocom—27.

*And those who voted in the negative, are*

Messrs. Angle, Bigger, Bradbury, Bramwell, Brown of L.,



Brown of T., Clark, Colerick, Crume, De Pauw, Dorsey, Edwards, English, Evans, Fairman, Fowler, Gookins, Hardesty, Hughes, Huntington, Jones, Kiser, Leslie, M'Bean, M'Donald, Monroe, Nichols, Noble, Parker, Piercy, Smith of F., Smith of R., Snapp, Stanford, Steele, Stuart, Thompson, Thornberry, Vance, Wallace, Willett, Williams, Wilson, Wright of P., and Palmer, Speaker—45.

So said bill was rejected.

A message from the Senate by Mr. Morris their Secretary:

**MR. SPEAKER:**

The Senate has elected Calvin Fletcher, Seton W. Norris, James Givan, and Robert Morrison directors of the state bank on their second attempt at an election.

Calvin Fletcher and Seton W. Norris having received a majority of all the votes given in both Houses on their second separate attempt at an election, were by the Speaker of the House of Representatives declared duly elected state directors of the state bank.

The House then proceeded to the election of the two remaining directors.

On the first ballot of the third attempt James Blake had 17 votes; Newton Claypool 11; Robert Morrison 18; Lucius H. Scott 30; James Givan 17; Livingston Dunlap 19; Christopher Harrison 17; Alexander Worth 7; Scattering 6.

No person having received a majority of all the votes given, the House proceeded to a second ballot on the third attempt.

On the second ballot Robert Morrison had 27 votes, Livingston Dunlap 29; Scattering 17.

No person yet receiving a majority of all the votes given, the House proceeded to a third ballot on the third attempt.

On the third ballot James Blake had 15 votes; Lucius H. Scott 47; Robert Morrison 21; James Givan 18; Livingston Dunlap 23; Scattering 17.

Lucius H. Scott having received a majority of all the votes given, was declared chosen on the part of the House a third bank director.

The House then proceeded to a fourth ballot on the third attempt to elect a fourth director.

On the fourth ballot Robert Morrison had 31 votes; Livingston Dunlap 40; Scattering 1.

Livingston Dunlap having received a majority of all the votes given, was declared chosen on the part of the House as a fourth state bank director for the state bank.

*Ordered,* That the clerk inform the Senate of the choice on the part of the House.

On motion of Mr. Moore,

The House proceeded to consider the engrossed bill from the Senate authorizing a state road therein named.

On motion of Mr. Dunning,

The committee of the whole to which said bill was committed, was discharged from the further consideration thereof.

Mr. Brown of L. moved to strike out so much of said bill as relates to repealing the law establishing a state road from William Connelly's in Lawrence county.

A message from the Senate by Mr. Morris their secretary.

MR. SPEAKER:

The Senate has in their third attempt elected Robert Morrison and Alexander Worth as state directors of the state bank.

The Senate then came down from their chamber and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, when both Houses proceeded by joint ballot to the election of two bank directors; Messrs. Payne of H. and Fairman acting as tellers.

On counting the first ballot it appeared that Robert Morrison had 47 votes; Alexander Worth 38; Livingston Dunlap 31; Lucius H. Scott 46; Scattering 38.

No person having received a majority of all the votes given, both Houses proceeded in like manner to a second balloting.

On the second ballot Robert Morrison had 51 votes; Lucius H. Scott 57; Livingston Dunlap 29; Alexander Worth 32; Scattering 26.

Lucius H. Scott and Robert Morrison having received a majority of all the votes given, was by the President of the Senate in presence of both Houses of the General Assembly declared duly elected state directors of the state bank.

The Senate then retired to their chamber;

And then the House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. McDonald, after having obtained leave, presented a petition of Philip Davis and Joseph Raney, praying relief;

Which was read and referred to the committee on claims.

Mr. Bennett from the joint committee of enrolled bills, reported that they have compared the enrolled with the engrossed bills entitled acts as follows, viz:

An act establishing the route of a part of the Indianapolis and Madison state road;

An act for the relief of Alexander Massy;

An act to locate a state road from Michigan city in Laporte county to the western boundary of the state, and for other purposes;

An act to authorize Daniel Bales of Morgan county to pay over to James T. Hadley the sum of fifteen dollars out of a road fund in his hands;

An act to legalize the proceedings of the trustees of the Decatur county library;

An act for the relief of Elias Murray and Edmund B. Goodrich;

An act to authorize the board of commissioners of Marion county to hold a special session;

An act to locate a state road from Jamestown in Boone county by the way of Russellville in Putnam county, to intersect the state road leading from Crawfordsville to Rockville;

An act to divorce Lyman Leslie and his wife Lavinia;

An act to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831;

An act to amend an act entitled an act to quiet certain titles in Mount Vernon and for the benefit of Thomas Givens, approved February 2, 1833;

An act for the benefit of revolutionary soldiers;

An act to amend an act entitled an act for the incorporation of county libraries, approved February 9, 1831;

An act to locate and establish a state road from Madison by Paris and Brownstown to Bloomington;

An act in amendment to an act entitled an act concerning clerks;

An act for the relief of Jonathan Rogers and William Waugh;

An act to incorporate the mutual fire insurance company of Terre Haute;

An act to amend the act entitled an act authorizing the seizure of boats and other vessels for debt, approved Jan. 22, 1824;

An act to locate a state road from Greenfield in Hancock county to Middletown in Henry county;

An act to locate a state road in Dearborn and Ripley counties;

An act to incorporate the Fort Wayne and St. Marys bridge company; and

An act supplemental to an act entitled an act incorporating congressional townships and providing for public schools therein, approved February 2, 1833;

And find them truly enrolled.

Whereupon, the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Evans moved to reconsider the vote taken to-day on the question to engross the bill to authorize a loan for internal improvement and pledging the three per cent. fund for the payment thereof;

And the ayes and noes being requested thereon by two members,



*Those who voted in the affirmative, are*

Messrs. Baber, Beem, Bennett, Brackenridge, Brady, Carter, Craig, Davenport, Dunn, Dunning, Evans, Ferguson, Foster, Guion, Hargrove, Howell, Hughes, Huntington, Kelso, Kilgore, Leslie, Levenworth, M'Donald, Moore, Reid, Smith of K., Snapp, Stafford, Vance, Vandever, Wilson, Woodruff, Wright P. and D. and Yocom—34.

*And those who voted in the negative, are*

Messrs. Angle, Bigger, Bradbury, Bramwell, Brown of L., Brown of T., Clark, Colerick, Crume, Davis, Dorsey, Edwards, English, Fields, Fowler, Gookins, Hardesty, Kiser, M'Bean, Monroe, Nichols, Parker, Piercy, Pearson, Smith of F., Smith of R., Stanford, Stuart, Thompson, Thornberry, Wallace, Willett, Williams, Wright of P., and Palmer, Speaker—35.

So said vote was not reconsidered.

Mr. Stafford, after having obtained leave, presented a bill to legalize the proceedings of the school trustees of congressional township No. 12, north of range one east, in Morgan county;

Which was three times read, (the rules of the House having first been dispensed with,) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

A message from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER:

The act entitled an act to alter and re-establish the charter of the town of Richmond, which originated in the House of Representatives, has received the approbation and signature of the Governor.

Mr. Gookins from the joint committee on enrolled bills, reported that they had compared the enrolled with the engrossed bill entitled an act to incorporate the town of Lafayette, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry it to the Senate for the signature of their President.

Mr. Thompson, from the judiciary committee, to which was committed a bill to amend an act entitled an act relative to crime and punishment, approved Feb. 10, 1831, reported the same without amendment.

Said bill was then read the third time, and

On motion of Mr. English,

*Ordered*, That the same do lie on the table.

Mr. Thompson made the following report, which was read and concurred in:

MR. SPEAKER:

The judiciary committee to which was referred a resolution directing them to enquire into the constitutionality of the eligibility of the same individual holding the offices of county commissioner and justice of the peace at one and the same time, have had that subject under their consideration and have directed me to report, that, in their opinion, both offices are clearly embraced in the 13th section of the 11th article of the constitution of this state, and that they are incompatible and unconstitutional in the same person at the same time, and can only express their surprise that a different opinion should at any time have prevailed, of sufficient magnitude to cause an investigation thereof, by any judicial tribunal or legislative body, and beg to be discharged from the further consideration of a subject which they consider so perfectly clear and indisputable.

The Speaker laid before the House the following communication from the Governor accompanied by the bill therein named.

EXECUTIVE DEPARTMENT, }  
INDIANAPOLIS, Jan, 31st, 1834. }

THE HON. N. B. PALMER,

*Speaker of the House of Representatives,*

SIR: The act to incorporate the "Levenworth manufacturing company," which originated in that branch of the Legislature over which you preside, I return herewith.

The 8th section of this act enjoins it as a duty of the secretary of the corporation, whenever required by the stockholders and others, in the usual business hours, to display the books of the company for examination, and a refusal on his part, is made a criminal offence, punishable by fine to be imposed in the discretion of the board of directors, to the extent of one hundred dollars.

The constitution declares that "the judiciary powers of the state, both as to matters of law and equity, shall be vested in one supreme court; in circuit courts, and such other inferior courts as the General Assembly may from time to time direct and establish." The 5th section of the 1st article of the same instrument declares that in all criminal cases, "the right of trial by jury shall remain inviolate," and the 12th section provides that "no person shall be put to answer any criminal charge, but by presentment, indictment or impeachment," in all of which cases he is secured in the right to be heard by himself and counsel, to demand a copy of the nature and cause of the accusation, and to a speedy and impartial trial by a jury of the proper county.

This section having, therefore, created a new offence, with a heavy penal sanction, clothing the board of directors with summary judicial powers, unsafe to the citizen, substituting the discretion of the board for that of a jury, and dispensing with other

forms of constitution and laws, the act is returned with a request that the objectional provision may be removed, if the opinion of the House of Representatives should accord with mine.

N. NOBLE.

The question was then put,

Will the House pass said bill, the Governor's objections to the contrary notwithstanding?

The ayes and noes being had thereon,

*Those who voted in the affirmative, are*

Messrs.

*And those who voted in the negative, are*

Messrs. Angle, Baber, Beem, Bennett, Bigger, Brackenridge, Bramwell, Bradbury, Brady, Brown of L., Brown of T., Carter, Clark, Craig, Crume, Davenport, Davis, Dorsey, Dunn, Dunning, Edwards, Evans, Fairman, Ferguson, Foster, Fowler, Gookins, Guard, Guion, Hardesty, Hargrove, Howell, Hughes, Huntington, Jones, Kilgore, Kiser, Leslie, Levenworth, M'Bean, M'Donald, Monroe, Nichols, Noble, Parker, Piercy, Pearson, Reid, Smith of F., Smith of R., Snapp, Stafford, Stanford, Steele, Stuart, Thompson, Thornberry, Vance, Vandever, Wallace, Willett, Williams, Wilson, Woodruff, Wright of P., Wright of P. & D., Yocom and Palmer, Speaker—66.

So said bill did not pass.

A message from the Senate by Mr. Morris their Secretary,

MR. SPEAKER:

The Senate has passed engrossed bills of the House entitled as follows:

An act to amend the act entitled an act to appropriate part of the 3 percent. fund, and for other purposes;

An act to provide for the taking of depositions in certain cases therein named;

An act extending the jurisdiction of justices of the peace in actions of replevin to \$50, and

An act to amend the act to incorporate the Madison, Indianapolis and Lafayette rail road company;

All without amendment except the last named.

The Senate has also passed engrossed bills of the Senate entitled as follows:

An act to incorporate the Eel river bridge company;

An act to amend an act entitled "an act for the relief of the poor, approved Feb. 10, 1831;

An act to authorize writs of ne exeat;

An act to incorporate the Jeffersonville insurance company, and

An act to continue the provisions of a joint resolution of the



General Assembly for the benefit of state debtors, approved Feb. 2, 1831;

In which bills of the Senate and the amendments proposed to the bill of the House, the concurrence of the House of Representatives is requested.

The several amendments made by the Senate to the bill of the House named in said message were read and concurred in.

The engrossed bill of the Senate first named in said message was twice read (the rules of the House having first been dispensed with) and

On motion of Mr. Moore,

Committed to a select committee of Messrs. Moore, Stanford and Dunning.

The engrossed bills of the Senate secondly, thirdly and fourthly named in said message were severally three times read, (the rules of the House having first been dispensed with) and passed.

*Ordered*, That the clerk inform the Senate thereof.

The bill of the Senate fifthly named in said message was read the first time and passed to a second reading.

Mr. Howell moved to take up the following resolution moved by him and laid on the table on the 17th inst.

*Resolved*. That this House will adjourn *sine die* on Monday the third day of February, the Senate concurring therein;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bennett, Bigger, Brackenridge, Bramwell, Carter, Clark, Craig, Crume, Dorsey, Edwards, English, Evans, Ferguson, Fields, Foster, Fowler, Hardesty, Hargrove, Howell, Hughes, Kilgore, Kiser, M'Bean, M'Donald, Piercy, Reid, Smith of F., Smith of R., Stanford, Steele, Thornberry, Vance, Vandever, Wallace, Williams, Wilson, Woodruff, Wright of P., Wright of P. & D. and Palmer, Speaker—42.

*And those who voted in the negative, are*

Messrs. Baber, Bradbury, Brady, Brown of L., Brown of T., Colerick, Davenport, Davis, Dunn, Dunning, Fairman, Gookins, Guard, Guion, Huntington, Jones, Kelso, Leslie, Levenworth, Monroe, Moore, Nichols, Noble, Parker, Pearson, Smith of K., Snapp, Stafford, Stuart, Thompson and Willett—31.

So said resolution was taken up.

Mr. Evans moved to amend the same by striking out Monday 3d, and inserting in lieu thereof Tuesday 4th.

Mr. Smith of F. moved to amend said proposed amendment by inserting to-morrow instead of Tuesday.

A division of the question being called for,

It was put on the first branch thereof, to-wit: on striking out,  
 And decided in the negative.  
 The question was then put,  
 Shall said resolution be adopted?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bennett, Bigger, Brackenridge, Bradbury, Bramwell, Carter, Clark, Craig, Crume, Davenport, Dorsey, Dunning, Edwards, English, Ferguson, Fields, Foster, Fowler, Guard, Guion, Hardesty, Howell, Jones, Kilgore, Kiser, Leslie, M'Bean, M'Donald, Piercy, Reid, Smith of E., Smith of R., Stanford, Steele, Thornberry, Vandever, Wallace, Willett, Williams, Wilson, Woodruff, Wright of P. and Wright of P. & D.—16.

*And those who voted in the negative, are*

Messrs. Brady, Brown of L., Brown of T., Colerick, Davis, Evans, Fairman, Gookins, Hughes, Huntington, Kelso, Levenworth, Moore, Nichols, Noble, Parker, Pearson, Smith of K., Snapp, Stafford, Stuart, Thompson, Vance, Yocom and Palmer, Speaker—25.

So said resolution was adopted.

*Ordered*, That the clerk inform the Senate thereof.

The House resumed the consideration of the engrossed bill from the Senate to locate certain state roads therein named.

On motion of Mr. Dunning,

Said bill was amended by striking out the 7th section and inserting in lieu thereof the following:

Sec. That Moses Fell be and he is hereby appointed a commissioner to view, mark and locate a state road, commencing at the line dividing Lawrence and Monroe counties where the state road terminates, usually called the state road from William Connelly's in Lawrence county, to Greencastle in Putnam county.—That the commissioner aforesaid shall locate said road on the nearest and most direct route to Springville in Lawrence county, that he shall be governed in every particular as the commissioners were who located the above mentioned road, and his compensation shall be allowed him by the board doing county business for Lawrence county.

On motion of Mr. Huntington,

Said bill was further amended as follows: *Provided*, That the road hereby established shall run upon some established county or state road within the territory of the county of Vigo, if any part of the same shall be located within said county of Vigo, and each county shall pay its own commissioner.

On motion of Mr. Moore,

Said bill was further amended by striking out the name of Abraham Buskirk, and inserting in lieu thereof Joseph Baugh.

*Ordered*, That said amendments be engrossed and the bill read the third time to-morrow.

On motion of Mr. Brown of T.,

The several orders of the day which precede the bill to amend an act entitled an act for assessing and collecting the revenue, approved Feb. 10, 1831, and to provide for an equitable and uniform mode of taxation, were postponed and the House proceeded to consider said bill.

The question was then put,

Shall said bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bigger, Brackenridge, Brady, Brown of T., Carter, Clark, Colerick, Craig, Davenport, Davis, Dunn, English, Evans, Fairman, Fowler, Gookins, Guard, Guion, Hargrove, Howell, Hughes, Huntington, Kilgore, M'Bean, M'Donald, Nichols, Parker, Piercy, Smith of R., Stafford, Vance, Vandever, Willett, Woodruff, Wright of P., Wright of P. & D. and Yocom—40.

*And those who voted in the negative, are*

Messrs. Bennett, Bradbury, Bramwell, Brown of L., Crume, Dorsey, Edwards, Ferguson, Foster, Hardesty, Jones, Kiser, Leslie, Levenworth, Monroe, Noble, Pearson, Reid, Smith of F., Smith of K., Snapp, Stanford, Steele, Stuart, Thompson, Wallace, Williams, Wilson and Palmer, Speaker—29.

So said bill passed.

On motion of Mr. Reid,

The title thereof was amended so as to read "an act to provide for an ad valorem system of taxation."

*Ordered*, That the clerk inform the Senate and ask their concurrence.

Bills of the following titles, to wit:

The bill to legalize the sale of the school lands in Vermillion county:

The bill to change part of the state road from the town of Richmond, Wayne county, to Fort Wayne in Allen county;

The bill subjecting certain articles to sale for repairs after a certain period;

The bill to incorporate the Jeffersonville steam mill company, and

The bill to locate a state road from Morgantown in Morgan county to Indianapolis,



Were severally read the second and third times and passed.

*Ordered,* That they be entitled acts and that the clerk carry them to the Senate and ask their concurrence.

Mr. Bennett, from the joint committee on enrolled bills reported, that they have on this day presented to His Excellency the Governor, for his approval and signature, bills entitled acts, as follows, to-wit:

An act for the relief of Samuel Darnell;

An act to amend the act entitled an act to organize probate courts, and defining the powers of executors, administrators and guardians, approved Feb. 10, 1831;

An act to authorize John M. Lemon, John Brown, David Dinwiddie and Andrew Burnside to build a toll bridge across the Kankakee river;

An act to locate and open a state road from Strawtown in Hamilton county to Miamiesport in the county of Miami;

An act to amend an act entitled an act to regulate the mode of doing county business in the several counties of this state, approved Jan. 19, 1831;

An act to amend an act entitled an act to provide for the appointment of a circuit prosecutor and defining his duty, approved Jan. 20, 1831;

An act to provide for the location of a state road from Knightstown in Henry county, via Hill's mills, to Freeport in Shelby county;

An act to provide for the printing of the laws of the present session of the General Assembly;

An act authorizing the location of the seat of justice of Huntington county, and for other purposes;

An act defining the duties of commissioners appointed to locate state roads, and for other purposes;

Also, memorials and joint resolutions as follows, to-wit:

A joint resolution relative to the 3 per cent. fund;

A memorial to the Congress of the United States, on the subject of the establishment of a national hospital on the Ohio river;

A joint resolution concerning the State Library;

A memorial and joint resolution of the General Assembly of the State of Indiana to procure an appropriation in land or money to improve the navigation of the Wabash, big St. Joseph and White rivers.

Bills of the House of the following titles, to wit:

A bill to amend an act entitled an act to establish a state road from Fairplay in Greene county, to intersect the Vincennes state road at or near Benjamin Stafford's in said county, approved Feb. 1st, 1833, and for other purposes;

A bill to legalize the election of district trustees in Marion county;

A bill to amend an act entitled an act to regulate the mode of summoning and empannelling grand and petit jurors;

A joint resolution on the subject of granting a right of way to the Wabash and Michigan rail road company,

Were severally read the second and third times and passed.

*Ordered*, That they be entitled acts, and that the clerk inform the Senate thereof and ask their concurrence.

The bill to establish a state road in Johnson county:

The bill to repeal a certain act therein named, vacating a certain state road and for other purposes, approved Feb. 1st, 1833, and

The bill to amend an act entitled an act regulating prisons and prison bounds, approved Dec. 22, 1833,

Were severally read the second time and laid on the table.

Engrossed bills of the Senate of the following titles. to-wit:

An act changing the name of David Miller;

An act declaring a certain road therein named, a state road, and

An act to establish a state road from Jasper to Troy,

Were severally read a second and third times and passed.

*Ordered*, That the clerk inform the Senate thereof.

The bill to amend an act entitled an act to regulate descents, distribution and dower, approved Jan. 29, 1831,

Was read the second and third times, when

On motion of Mr. Smith of F.,

The further consideration thereof was indefinitely postponed.

The bill for the relief of Powell Deans,

Was read the second and third times,

And on the question,

Shall the bill pass?

The ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Baber, Beem, Bigger, Brady, Clark, Craig, Crume, Davis, Dorsey, English, Evans, Fowler, Guion, Hardesty, Huntington, Kilgore, Kiser, Leslie, M'Bean, M'Donald, Monroe, Nichols, Pearson, Smith of K., Snapp, Stafford, Vance, Willett, Williams, Wilson, Woodruff, Wright of P., Yocom and Palmer.  
Speaker—35.

*And those who voted in the negative, are*

Messrs. Bennett, Brackenridge, Bradbury, Bramwell, Brown of L., Brown of T., Carter, Colerick, Dunn, Edwards, Ferguson, Fields, Gookins, Hargrove, Howell, Jones, Levenworth, Parker, Piercy, Reid, Smith of F., Stauford, Steele, Stuart, Thompson, Thornberry and Wallace—23.

And so said bill passed.

*Ordered*, That it be entitled an act and that the clerk inform the Senate thereof and ask their concurrence.

**A message from the Senate by Mr. Morriron, a Senator.**

**MR. SPEAKER,**

The Senate has passed without amendment, bills of the House of Representatives, of the following titles:

An act to locate a state road from the county seat of Lagrange county to the county seat of Elkhart county;

An act to authorize James Alexander former collector of Monroe county, yet to collect any taxes remaining due and unpaid in said county, for the year or years for which said Alexander was collector, and for other purposes;

An act to establish a state road from Hill's mill in Rush county to Rezin Davis' in Shelby county;

An act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831;

An act to authorize the location of a state road from Fort Wayne in Allen county to Yellow river, where the Michigan road crosses the same;

An act to locate the Martinsville and Edinburgh state road, and,

An act to incorporate the Charlestown manufacturing company.

Mr. Levenworth, on leave being granted, presented a bill to incorporate the Levenworth Manufacturing company;

Which was read the first, second and third times. (the rules of the House being for that purpose dispensed with.) and passed.

*Ordered*, That it be entitled an act, and that the clerk inform the Senate thereof and ask their concurrence.

The engrossed bill of the Senate entitled,

An act to establish a state road from Rome in Perry county, to Paoli in Orange county,

Was read the second time, when,

On motion of Mr. Levenworth,

The word "Patoka" in the first section thereof was stricken out.

On motion of Mr. Levenworth,

Said bill was further amended by striking out the word "May," where it occurs in the second section, and inserting "April" in lieu thereof.

Said bill as amended was then read a third time and passed.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence in the amendments made by the House.

The engrossed bill of the Senate entitled an act in amendment to an act entitled an act to appropriate part of the three per cent. fund, approved Jan. 31st, 1833,

Was read a second time, when,

Mr. Craig moved to amend the second section thereof, by striking out the words "and fifty cents," in said section,



Which was carried in the affirmative.

On motion of Mr. Levenworth,

Said bill was further amended by striking out the third section, thereof, which relates to its publication.

And then the bill as amended was read the third time and passed.

*Ordered.* That the clerk inform the Senate thereof and ask their concurrence in the amendments made by the House.

The bill to amend an act entitled an act subjecting real and personal estate to execution approved Feb. 4, 1831;

Was read the second time, when

On motion of Mr. Crume,

*Ordered.* That the same do lie on the table.

The memorial of the General Assembly of the State of Indiana, for an appropriation to extenuate and increase mail communications in the West,

Was read a second time, and

On motion of Mr. Smith of F.,

*Ordered.* That the same do lie on the table.

The bill to amend an act entitled an act for assessing and collecting the revenue, approved Feb. 10, 1831;

Was read a 2nd time, when

Mr. Davenport moved to amend the same, so as to exempt the Michigan road lands from taxation,

Which motion was decided in the negative.

Said bill was then read the 3d time, and on the question,

Shall the bill pass?

The ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bennett, Brackenridge, Brady, Bramwell, Carter, Clark, Crume, Dorsey, Edwards, English, Ferguson, Fields, Fowler, Guard. Guion, Hardesty, Hargrove, Howell, Huntington, Jones, Kilgore, Kiser, Levenworth, Moore, Percy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Stanford, Stuart, Vance, Vandever, Wallace, Williams, Wilson, Wright of P. and Yocom—42.

*And those who voted in the negative, are*

Messrs. Baber, Bigger, Brown of L., Brown of T., Craig, Davenport, Davis, Evans, Gookins, Leslie, M'Bean, Monroe, Nichols, Parker, Steele, Thornberry, Woodruff, Wright of P. & D. and Palmer Speaker—19.

And so said bill passed.

*Ordered.* That the same be entitled an act and the clerk inform the Senate thereof and ask their concurrence.

And then the House adjourned until 6 o'clock, P. M.

6 o'clock P. M.

The House met pursuant to adjournment,

And proceeded to the consideration of the orders of the day.

Engrossed bills of the following titles, to wit:

A bill to relocate a part of the Mooresville, Danville and Crawfordsville state road;

A bill to establish a state road from Conwell's mills in Franklin county, through Columbia in Fayette county, in the direction of Louisville in Henry county, to intersect the Rushville and Connersville state road;

A bill amendatory to an act entitled an act declaring Busseron creek a public highway, approved January 21, 1826;

A bill for the relief of Balsor Fox and others;

A bill to amend an act establishing a state road from Andersontown in Madison county to Logansport in Cass county, approved February 2, 1833;

A bill declaring the road leading from Connersville to Milton a state road;

A bill to amend an act entitled an act to authorize the vacation of towns, approved February 10, 1831;

A bill to locate a state road from Lyon's mill to Morgantown in Morgan county;

A bill to locate a state road from Rockville in Parke county via Russelville to Jamestown in Boone county;

A bill to authorize John Hardin of Washington county to pay over to Nathan Maudlin of said county, all sums of money in his hands as road commissioner of said county;

A bill to legalize the proceedings of the commissioners of the state road from Shelbyville to the intersection of the Indianapolis and Madison state road near Klapp's mills;

A bill to establish a state road from Lexington to the 13th mile stake in Jefferson county;

A bill to change part of a state road therein named;

A bill for the location of a state road from a point on the Ohio line near Fort Recovery to the town of Goshen in Elkhart county;

A bill to locate a state road from South Bend to the western boundary of the state, and

A bill to locate a state road from Carlisle via intermediate points to Terre Haute;

Were severally read a second and third times, (the rules being dispensed with,) and passed.

*Ordered*, That they be entitled acts, and that the clerk inform the Senate thereof and ask their concurrence.

The bill to amend an act entitled an act regulating the practice in suits at law,

Was read the second time, when  
Mr. Huntington moved to lay the same on the table;  
Which motion did not prevail.

On motion of Mr. Bigger,  
The said bill was amended by striking out the words "or mixed," in the first section.

Said bill was read a third time, when  
Mr. Pearson moved that the further consideration thereof be postponed indefinitely;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Bigger, Brown of L., Carter, Craig, Dorsey, Edwards, English, Ferguson, Foster, Fowler, Gookins, Huntington, Kiser, Leslie, Monroe, Moore, Pearson, Reid, Smith of K., Snapp, Stanford, Thompson, Willett, Williams, Wright of P., and Wright of P. and D.—28.

*And those who voted in the negative, are*

Messrs. Beem, Brackenridge, Bradbury, Brady, Bramwell, Brown of T., Clark, Crume, Davenport, Davis, Guion, Hardesty, Howell, Hughes, Kilgore, Levenworth, M'Bean, M'Donald, Nichols, Noble, Smith of F., Smith of R., Stafford, Stuart, Vance, Vandever, Wallace, and Palmer, Speaker—28.

And so said bill was not indefinitely postponed.

Mr. Smith of F. then moved to commit the same to a select committee with instructions to strike out the first section thereof;  
Which was decided in the negative.

The question was then put, shall said bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Brackenridge, Brady, Bramwell, Brown of T., Clark, Crume, Davenport, Guion, Hardesty, Howell, Hughes, Kilgore, Levenworth, M'Bean, M'Donald, Noble, Smith of F., Smith of R., Stafford, Stuart, Thompson, Vance, Vandever, Wallace, and Palmer, Speaker—26.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Brown of L., Carter, Craig, Davis, Dorsey, Edwards, English, Ferguson, Foster, Fowler, Gookins, Huntington, Kiser, Leslie, Monroe, Moore, Nichols, Pearson, Reid, Smith of K., Snapp, Stanford, Willett, Williams, Wright of P., and Wright of P. and D.—30.

And so said bill was rejected.



The memorial and joint resolution of the General Assembly of the state of Indiana to the Congress of the U. States concerning the Wabash and Erie canal,

Was read the second time, when

Mr. Huntington moved so to amend as to authorize the state of Ohio, instead of the state of Indiana, by her agent, to make selections of land for canal purposes;

Which was carried in the affirmative;

And the joint resolution was then read a third time and passed.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence.

The bill to provide for appropriating the Wabash fund;

The bill to locate a state road in the county of Switzerland, and

The bill to locate a certain state road therein named,

Were severally read the second time and laid upon the table.

The bill for the relief of Richard L. Dickson, was read a second and third times, (the rules of the House being dispensed with.)

And on the question, shall said bill pass?

The ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bigger, Brady, Bramwell, Clark, Craig, Crume, Davis, Dorsey, Dunning, Edwards, English, Foster, Fowler, Gookin, Guion, Hardesty, Howell, Hughes, Huntington, Kilgore, Kiser, Leslie, McBean, McDonald, Monroe, Moore, Nichols, Pearson, Smith of K., Snapp, Stafford, Stuart, Thompson, Vance, Vandever, Wallace, Williams, Wright of P., Wright of P. and D., and Palmer, Speaker—43.

*And those who voted in the negative, are*

Messrs. Bennett, Bradbury, Brown of L., Brown of T., Carter, Ferguson, Levenworth, Noble, Reid, Smith of F., Smith of R., and Stanford—12.

So said bill passed.

*Ordered*, That it be entitled an act and that the clerk inform the Senate thereof and ask their concurrence.

The bill to locate and establish a state road from Shelbyville via Hartsville to Adam Keller's mill,

Was read the second time.

Mr. Kiser moved to amend the same so as to leave it discretionary with the commissioner whether to open that part of said road that passes through Bartholomew county;

Which motion did not prevail.

Mr. Davis moved to strike out the words "Flat Rock," and insert "county line."

Mr. Reid moved to lay the same on the table;

Which motion was decided in the negative.

Mr. Kiser moved to amend the motion of Mr. Davis so as to extend the road to Goshen;

Which motion was lost.

The question was then put on the motion of Mr. Davis, and decided in the negative.

Said bill was then read a third time and passed.

*Ordered*, That it be entitled an act and that the clerk inform the Senate and ask their concurrence.

Mr. Moore from the select committee to which was committed an engrossed bill of the Senate entitled an act to incorporate the Eel river bridge company, on leave being granted, reported the same to the House with several amendments, which were read and concurred in.

The bill as amended was then read the third time and passed.

*Ordered*, That the clerk inform the Senate thereof, and request their concurrence in the amendments made by the House.

And then the House adjourned until to-morrow morning at 9 o'clock.

## SATURDAY MORNING, FEBRUARY 1, 1834.

The House met pursuant to adjournment.

On motion of Mr. Reid,

Mr. Hargrove had leave of absence from the service of the House during the remainder of the present session of the General Assembly.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate concurs in all the amendments proposed by the House to the engrossed bill of the Senate to amend and revise the act entitled an act to incorporate the several townships in the county of Dearborn, approved Feb. 7, 1825.

Mr. Piercy after having obtained leave, presented a bill to establish a state road from Spencer in Owen county, via Pleasant Garden in Putnam county to Dixon's mill in Parke county:

Which was three times read (the rules of the House having been dispensed with) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Dunning from the joint committee on enrolled bills, now report, that they have compared the enrolled with the engrossed bills of the House of Representatives entitled acts as follows, to wit:

An act to declare a certain county road therein named to be a state road;

An act to amend an act entitled an act organizing circuits courts and defining their powers and duties, and for other purposes;

An act to authorize the trustees of Charlestown in the county of Clark to lay of a certain street therein named;

An act to amend an act entitled an act to incorporate the town of Madison, approved Feb. 4, 1831;

An act entitled an act to amend an act to locate a state road from Delphi to Muncietown, approved Feb. 1, 1831;

An act providing for an additional place of holding elections in the several counties in this state;

An act to provide for the location of the Muncietown and Fort Wayne state road;

An act to regulate the fees of the commissioners of Grant county;

An act to incorporate the Indianapolis and Lafayette rail road company;

Also that they have compared the enrolled with the engrossed bills of the Senate entitled acts as follows. to wit:

An act providing means for the Wabash and Erie canal;

An act to amend an act entitled an act to organize probate courts and defining the powers and duties of executors, administrators and guardians, approved Feb. 10, 1832;

An act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence and Green; and

An act to incorporate the Millport bridge company;

And find the same truly enrolled.

Whereupon,

The Speaker signed said bills.

*Ordered*, That the Clerk carry them to the Senate for the signature of their President.

Mr. Bennett from the joint committee of enrolled bills reported that they have compared the enrolled with the engrossed bills entitled acts as follows, viz:

An act to incorporate the Switzerland county seminary;

An act to incorporate the Indiana teachers seminary;

An act to locate and establish a state road from Greensburg to the falls of the Ohio river: and

An act to establish a state road therein named;

And find the same truly enrolled.

Wherenpon,

The Speaker signed said bills.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

Mr. Smith of R., on leave being granted, presented a bill to appropriate the three per cent. fund; which was read the first time, when

On motion of Mr. Bigger,



Said bill was rejected.

Mr. McDonald, on leave being granted, from the committee on claims, reported, a bill for the relief of Joseph Remy and Phillip Davis; which was read a first, second and third times and passed.

*Ordered*, That it be entitled an act and that the clerk inform the Senate thereof and request their concurrence.

Mr. Bramwell presented the petition of John Walker and others, citizens of Jennings county, praying a certain state road therein named; which was read and ordered to lie on the table.

Mr. Nichols presented the petition of R. H. Vandike and others, citizens of Morgan and Hendricks counties on several subjects therein named; which was read, and

*Ordered*. That the same do lie on the table.

Mr. Colerick presented the petition of sundry citizens of Elkhart and St. Joseph counties, in relation to the state road from the South Bend in St. Joseph county, via the mouth of Elkhart and seat of justice in Lagrange county, to the east line of this state, in the direction of Vistula on Maumee Bay in the state of Ohio; which was ordered to lie upon the table.

Mr. Gookins from the joint committee on enrolled bills, reported, that they have compared the enrolled with the engrossed bills as follows, to wit:

An act to provide for the taking depositions in certain cases therein named;

An act extending the jurisdiction of justices of the peace to fifty dollars in the actions of trespass and replevin; and

An act to amend the act entitled an act to appropriate part of the three per cent. fund and for other purposes, approved February 10, 1831;

And find the same truly enrolled.

Whereupon,

The Speaker signed said bills.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

On motion of Mr. Dunn,

The committee of the whole House was discharged from the consideration of all bills heretofore committed to the same, except the bill making specific and general appropriations for the year 1831.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate has passed the following engrossed bills of the House entitled

A joint resolution of the General Assembly authorizing the agent of state for the town of Indianapolis to convey certain land:

A joint resolution relative to insurance companies; and

An act to authorize the survey of roads in the county of Switzerland;

The 1st and 2nd without, the last with an amendment. In which the concurrence of the House of Representatives is requested.

The amendments proposed by the Senate to the engrossed bill of the House last above named, were read and concurred in.

*Ordered*, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate has passed an engrossed bill of the House to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831, with amendments;

In which the concurrence of the House of Representatives is requested.

The 1st, 2nd, 3rd, 4th and 5th amendments proposed to the bill of the House, by the Senate, were severally read and concurred in.

*Ordered*, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate has passed an engrossed joint resolution of the Senate, relative to the cession of the Wabash and Erie canal lands which lie in the state of Ohio;

In which the concurrence of the House of Representatives is requested.

The joint resolution named in said message, was three times read (the rules of the House having first been dispensed with) and passed.

*Ordered*, That the clerk inform the Senate thereof.

On motion of Mr. Colerick,

The several orders of the day which precede the engrossed bill from the Senate to incorporate the Kankakee manufacturing company, were postponed.

Said bill was then read the third time and passed.

*Ordered*, That the clerk inform the Senate and ask their concurrence in the amendment made by the House.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate has passed an engrossed bill of the Senate to provide for the improvement of the navigation of the Wabash river;

In which the concurrence of the House of Representatives is requested.

The bill of the Senate named in said message, was twice read (the rules of the House having been dispensed with.)

On motion of Mr. Dunn,

Said bill was amended by inserting the county of Putnam in the last of those counties which received \$487 50 cts.

On motion of Mr. Hardesty,

*Ordered*, That the same do lie on the table.

A message from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER:

His Excellency the Governor, did, this day, approve and sign

An act to provide for the printing of the laws of the present session of the General Assembly;

An act authorizing the location of the seat of justice of Huntington county and for other purposes;

An act defining the duties of commissioners appointed to locate state roads and for other purposes;

An act to provide for the location of a state road from Knightstown in Henry county, via Hill's mill to Freeport in Shelby county;

An act to amend an act entitled an act to provide for the appointment of a circuit prosecutor and defining his duty, approved Jan. 20, 1831;

A joint resolution concerning the state library;

A memorial to the Congress of the United States on the subject of the establishment of a national hospital on the Ohio river;

A memorial and joint resolution of the General Assembly of the state of Indiana to procure an appropriation in land or money to improve the navigation of the Wabash, Big St. Joseph and White rivers; which originated in the House of Representatives.

A message from the Senate by Mr. Morris their Secretary,

MR. SPEAKER:

The Senate disagrees to the several amendments proposed by the House to the engrossed bills of the Senate entitled as follows:

An act in relation to the monies arising from leases of saline reservations and for other purposes;

An act to amend an act entitled an act to amend an act entitled an act to subject real and personal estate to execution, approved Feb. 4, 1831; and

An act to authorize the location of a state road from Decatur county to South Bend in St. Josephs county.

The Senate concurs in the amendments of the House to the engrossed bill of the Senate for the relief of the securities of certain officers.

On motion,

The House insisted on their said amendments.



A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate reciprocates the resolution of the House fixing on Monday next as the time of adjournment *sine die*.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate concurs in the 1st and 3rd amendments proposed by the House to the engrossed bill for the further improvement of the Michigan road, and disagree to the 2nd amendment to said bill, and have appointed Messrs. Hillis and Morgan a committee of free conference on the part of the Senate to take into consideration the disagreeing vote of the two Houses on said 2nd amendment.

On motion of Mr. Palmer, (Mr. Huntington occupying the chair at the time.)

The House insist on their said 2nd amendment and that a committee of free conference be appointed on the part of the House to take into consideration the disagreement of the two Houses on said 2nd amendment;

Whereupon,

Messrs. Davenport and Wallace were appointed said committee.

On motion of Mr. Crume,

The House resolved itself into a committee of the whole on the bill making specific appropriations for the year 1834, and after some time spent therein the Speaker resumed the chair and Mr. Beem reported the same with sundry amendments and asked the concurrence of the House, and Mr. Beem chairman of the same committee of the whole, reported to the House the bill making general appropriations for the year 1834 without amendment.

The 1st, 2nd and 3rd amendments made by the committee of the whole House to the bill first named in said report, were severally read and concurred in.

The 4th amendment thereto was read, when

Mr. Moore moved to amend the same by striking out "ten dollars" therein, and inserting "five dollars" in lieu thereof.

And on the question, shall said amendment be amended as proposed?

The ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Brady, Bramwell, Brown of T., Colerick, Davenport, Davis, Dunning, English, Evans, Fairman, Fields, Foster, Fowler, Hughes, Kilgore, Kiser, McBean, McDonald, Monroe, Moore, Nichols, Pearson, Smith of K., Smith of R., Snapp, Staf-

ford, Steele, Stuart, Thornberry, Willett, Wilson, Woodruff, Wright of P., Yocom and Palmer, Speaker—36.

*And those who voted in the negative, are*

Messrs. Angle, Bennett, Brackenridge, Bradbury, Brown of L., Carter, Clark, Craig, Crume, Dorsey, Edwards, Gookins, Guard, Guion, Hardesty, Howell, Leslie, Levenworth, Parker, Piercy, Reid, Smith of P., Stanford, Vance, Vandever, Wallace, Williams, Wright of P. & D.—28.

And so it was decided in the affirmative.

The 5th amendment was read and concurred in.

The 6th was read, when

Mr. Brady moved to amend the same in that part thereof, which provides for the purchase of a fire engine in the town of Indianapolis &c. by striking out "two hundred and fifty dollars." as the amount contributed on the part of the state to that object, and inserting in lieu thereof "four hundred and fifty dollars;"

Which motion was decided in the negative.

The amendment last named was then concurred in.

The 7th amendment was read, when

Mr. Crume moved to amend the same, by inserting in the proper place, in the section providing for additional compensation to the Treasurer of State as set forth in his communication through the chairman of the committee of ways and means, to the House, for additional services &c. the words "and counterfeit money;"

Which motion did not prevail.

The amendment last named was then read and concurred in.

Mr. Levenworth then moved to strike out the 19th section of said bill, which provides for compensation to Douglass & Maguire for printing a certain bill,

And the yeas and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Bennett, Carter, Clark, Craig, Davis, Dorsey, Dunning, Fowler, Hardesty, Jones, Levenworth, Reid, Stanford, Steele, Stuart, Vandever, Williams, Wright of P. and D. and Yocom—19.

*And those who voted in the negative, are*

Messrs. Angle, Brady, Bramwell, Brown of L., Brown of T., Colerick, Crume, Davenport, Dunn, Edwards, English, Evans, Fairman, Fields, Foster, Gookins, Guard, Guion, Howell, Hughes, Kilgore, Kiser, Leslie, McBean, McDonald, Monroe, Nichols, Parker, Piercy, Pearson, Smith of P., Smith of A., Smith of R., Snapp, Stafford, Thornberry, Vance, Wallace, Willett, Woodruff, Wright of P., and Palmer, Speaker—43.

And so said section was not stricken out.

The said bill was then read a third time and passed.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence.

The bill secondly mentioned in said report, to wit:

A bill making general appropriations for the year 1834, was read a third time and passed.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence.

Mr. Dunning from the joint committee of enrolled bills report, that they have compared the enrolled with the engrossed bill and joint resolution of the House of Representatives entitled an act and joint resolution as follows, to wit:

An act to authorize the survey of roads in the county of Switzerland, and

A joint resolution relative to insurance companies, and find the same truly enrolled.

Whereupon, the Speaker signed said bills.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

And then the House adjourned until 1 o'clock, P. M.

*1 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Woodruff from the select committee to which was referred a petition on that subject, reported a bill to authorize the district trustees of the Edinburgh school district in Congressional township No. 11 north of range No. 5 east, in Johnson county, to appropriate fifty dollars to the building of a school house in said district;

Which was twice read and laid upon the table.

On motion of Smith of R.,

The bill to locate a state road in the county of Switzerland heretofore laid upon the table, was taken up, and read a 2d and 3d times and passed.

*Ordered*, That it be entitled an act and that the clerk inform the Senate thereof and ask their concurrence.

The bill to locate a certain state road therein named, heretofore laid upon the table, was

On motion of Mr. Dunning,

Taken up, read 2d and 3d times and passed.

*Ordered*, That it be entitled an act and that the clerk inform the Senate and ask their concurrence.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate continue to insist on their disagreement to the a



amendment of the House to a bill of the Senate entitled a bill in relation to the moneys arising from leases of saline reservations and for other purposes, and have appointed Messrs. Whitcomb and Dumont as a committee of free conference to act with a similar committee to be appointed by the House to take into consideration the disagreeing vote of the Senate on that amendment;

Which was read, when

Mr. Bigger moved that the House continue to insist on their amendment to the engrossed bill of the Senate, named in the foregoing message, and that a committee of free conference be appointed on the part of the House to act with a similar committee of the Senate on the subject of the disagreement of the two Houses on said bill;

Which motion prevailed.

Ordered, That Messrs. Bigger and Stanford be that committee.

On motion of Mr. Brackenridge,

The engrossed bill of the Senate to provide for the improvement of the navigation of the Wabash river, heretofore laid upon the table, was taken up, when

Mr. Stafford moved to amend the same by adding the following as an additional section, to wit:

SEC. After the sum aforesaid shall have been drawn from the 3 per cent. fund for the improvement of the Wabash river aforesaid, the further sum of five thousand dollars of said fund is hereby appropriated to be drawn from the first of said funds thereafter accruing for the purpose of removing the obstructions to the navigation in the White river, and on the east and west fork thereof to be expended in the manner and under such superintendence as may hereafter be directed by the General Assembly, which sums shall be deducted equally from the proportions of the 3 per cent. fund hereafter allowed to the several counties adjoining White rivers and the forks thereof;

Which was decided in the negative.

Mr. Thompson moved to amend said bill by inserting in the proper place, the following:

That it is hereby made the duty of the Wabash and Erie canal commissioners to employ a competent engineer, whose duty it shall be to examine and report to the next General Assembly, what improvements are necessary for the improvement of the navigation of the Wabash river, the character of such improvements, with an estimate of the expense of making the same;

And on the question to adopt the same,

The ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Boon, Bennett, Brady, Bramwell, Carter, Crume,

Dorsey, English, Fowler, Jones, Kiser, Moore, Reid, Smith of F., Smith of R., Thompson, Vandever, Wallace, Willett, Williams and Woodruff—22.

*And those who voted in the negative, are*

Messrs. Angle, Bigger, Brackenridge, Bradbury, Brown of L., Brown of T., Clark, Craig, Davenport, Dunn, Edwards, Evans, Fairman, Fields, Foster, Gookins, Guard, Guion, Hardesty, Howell, Hughes, Huntington, Kilgore, Leslie, Levenworth, M'Bean, M'Donald, Nichols, Piercy, Pearson, Smith of K., Snapp, Stafford, Stanford, Steele, Stuart, Thornberry, Vance, Wilson, Wright of P., Wright of P. and D. and Palmer, Speaker—11.

And so said motion was decided in the negative.

Mr. Moore thereupon called the previous question, which being second by two members,

The first branch thereof was put, to wit:

Shall the main question be now put?

And carried in the affirmative.

The second branch thereof, was put to wit:

Shall said bill pass to a third reading?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Brackenridge, Bradbury, Brown of L., Brown of T., Clark, Craig, Dunn, Dunning, Edwards, Evans, Fairman, Fields, Foster, Gookins, Guard, Guion, Hardesty, Howell, Hughes, Huntington, Kilgore, Levenworth, M'Bean, M'Donald, Nichols, Piercy, Pearson, Smith of K., Snapp, Stanford, Steele, Stuart, Thornberry, Vance, Williams, Wilson, Woodruff, Wright of P., Wright of P. & D. and Palmer, Speaker—42.

*And those who voted in the negative, are*

Messrs. Beem, Bennett, Brady, Bramwell, Carter, Crume, Davis, English, Fowler, Jones, Kiser, Moore, Reid, Smith of F., Smith of R., Stafford, Thompson and Willett—18.

And so said bill passed to a 3d reading.

On motion of Mr. Dunn,

Said bill was read a third time, and on the question,

Shall said bill pass?

The ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Brackenridge, Bradbury, Brown of L., Brown of T., Clark, Craig, Davenport, Dunn, Dunning, Edwards, Evans, Fairman, Fields, Foster, Gookins, Guard, Guion, Hardesty, Howell, Hughes, Huntington, Kilgore Levenworth, M'Bean, M'Donald, Nichols, Piercy, Pearson, Smith of K., Snapp, Steele, Stanford, Thornberry, Vance, Wilson, Woodruff, Wright of P., Wright of P. and D. and Palmer, Speaker—40.

*And those who voted in the negative, are*

Messrs. Beem, Bennett, Brady, Bramwell, Carter, Crume, Davis, English, Fowler, Jones, Kiser, Moore, Reid, Smith of F., Smith of R., Stafford, Stuart, Thompson, Vandever, Wallace, Willett and Williams—22.

And so said bill passed.

*Ordered*, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris their Secretary:

**MR. SPEAKER:**

The Senate has passed engrossed bills of the House entitled, as follows:

An act to establish a state road from Conwell's mills in Franklin county through Columbia in Fayette county in the direction of Louisville in Henry county to intersect the Rushville and Connersville state road;

An act to locate a state road in Dearborn county;

An act amendatory to an act entitled an act declaring Busseron creek a public highway, approved Jan. 21, 1826;

An act to locate a state road from Robert Hankins to David Gunnings;

An act to amend an act entitled an act to authorize the vacation of towns, approved Feb. 10, 1831;

An act to amend an act entitled an act to appropriate part of the three per cent. fund and for other purposes, approved Feb. 10, 1831;

An act authorizing the county board of Madison county to change the name of the town of West Union in said county;

A memorial and joint resolution of the General Assembly of the state of Indiana to the Congress of the United States concerning the reversioning the Wabash and Erie canal lands;

An act to amend an act entitled an act for assessing and collecting, approved Feb. 10, 1831;

An act for the relief of Balson Fox and others;

An act to legalize the proceedings of the school trustees of congressional township No. 12 north of range 1 east, in Morgan county;



An act to amend an act establishing a state road from Andersonstown in Madison county to Logansport in Cass county, and  
 An act declaring the road leading from Connersville to Milton a state road;  
 All without amendment.

A message from the Senate by Mr. Morris their Secretary,

MR. SPEAKER:

The Senate has passed engrossed bills of the Senate entitled as follows, to wit:

An act to declare White creek a navigable stream;

An act to regulate trials of the right of property

The Senate has also passed an engrossed bill of the House of the following title, viz:

An act to amend an act entitled an act to incorporate the Ohio and Lafayette rail road company, approved Feb. 2, 1832;

With amendments, in which bills of the Senate and amendments to the bill of the House, I am instructed to ask the concurrence of the House.

The engrossed bill of the Senate first named in said message, was read three times (the rules of House being suspended) and passed.

*Ordered*, That the clerk inform the Senate thereof.

The engrossed bill of the Senate secondly named in said message, was twice read, when

Mr. Pearson moved to amend the 9th section thereof by striking out "three," as the number of the jury contemplated therein, and inserting "six;"

Which motion was disagreed to by the House.

Mr. Pearson then moved to strike out "ten" therein and insert "thirty;"

Which was decided in the negative.

Said bill was then read a third time and passed.

*Ordered*, That the clerk inform the Senate thereof.

The several amendments made by the Senate to the engrossed bill of the House last named in the foregoing message, were severally read and concurred in.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Bigger made the following report, which was read and concurred in:

The joint committee of free conference to which was referred the disagreeing votes of the Houses on the amendment of the House to the engrossed bill of the Senate in relation to the monies arising from leases of saline reservations and for other purposes, have according to order, had the same under consideration and have directed me to make the following report, as agreed upon by said joint committee:

Strike out the amendment of the House and substitute in lieu

thereof the following: "and that the interest of said saline reservations be set apart for the use of common schools."

Mr. Gookins, from the joint committee on enrolled bills, reported that they have compared the enrolled with the engrossed bills and joint resolutions, as follows, to wit:

A joint resolution of the General Assembly authorizing the agent of state for the town of Indianapolis to convey certain land;

An act to authorize James Alexander former collector of Monroe county, yet to collect any taxes remaining due and unpaid in said county, for the year or years for which said Alexander was collector, and for other purposes;

An act to establish a state road from Hill's mill in Rush county to Rezin Davis' in Shelby county;

An act to provide for the relocation of the state road leading from Martinsville in Morgan county to Edinburgh in Johnson county;

An act to authorize the location of a state road from Fort Wayne in Allen county to Yellow river, where the Michigan road crosses the same;

An act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831;

And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry it to the Senate for the signature of their President.

A message from the Senate by Mr. Morris their secretary.

MR. SPEAKER:

The Senate concurs in the amendments proposed by the House to the engrossed bills of the Senate entitled as follows:

An act to incorporate the Kankakee manufacturing company;

An act to incorporate the Eel river bridge company, and

An act in amendment to an act entitled an act to appropriate part of the 3 per cent. fund, approved Jan. 31, 1833.

The Senate has passed bills of the House entitled acts as follows:

An act to relocate a part of the Mooresville, Danville and Crawfordsville state road, and

An act to locate a state road from a point near Joab Woodruff's to Franklin in Johnson county, with amendments to each.

In which the concurrence of the House of Representatives is requested.

The amendments made by the Senate to the engrossed bills of the House mentioned in said message, were severally read and concurred in.

The bill to provide for the appropriation of certain unexpended

balances of the 3 per cent. fund was read the second time and laid on the table.

Mr. Davenport made the following report, which was read and concurred in:

**MR. SPEAKER:**

The committee of free conference appointed to settle the disagreeing votes between the two Houses on the bill entitled, an act for the further improvement of the Michigan road, agree to amend the bill as follows: strike out the 6th section.

Mr. Smith of F. moved to reconsider the vote taken to order the engrossed bill from the Senate to provide for the improvement of the Wabash, to a third reading.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bennett, Bigger, Brackenridge, Bradbury, Brady, Brown of L., Brown of T., Clark, Colerick, Craig, Crume, Davenport, Dunn, Edwards, Evans, Fairman, Foster, Gookins, Guard, Guion, Hardesty, Howell, Hughes, Huntington, Kilgore, Leslie, Levenworth, M'Donald, Monroe, Nichols, Parker, Piercy, Pearson, Smith of F., Smith of K., Snapp, Stanford, Steele, Thornberry, Vance, Williams, Wilson, Wright of P., Wright of P. and D., Yocom and Palmer, Speaker—48.

*And those who voted in the negative, are*

Messrs. Bramwell, Carter, Davis, Dorsey, English, Fowler, Moore, Thompson, Wallace and Willett—10.

So said vote was reconsidered.

The question was then put,

Shall said bill be read a third time now?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative, are*

Messrs. Angle, Beem, Bennett, Bigger, Brackenridge, Bradbury, Brady, Brown of L., Brown of T., Clark, Colerick, Craig, Crume, Davenport, Davis, Dunn, Edwards, Evans, Fairman, Foster, Gookins, Guard, Guion, Hardesty, Howell, Hughes, Huntington, Jones, Kilgore, Levenworth, M'Donald, Nichols, Parker, Piercy, Pearson, Smith of F., Smith of K., Snapp, Stanford, Steele, Thornberry, Vance, Wilson, Wright of P., Wright P. and D. and Palmer, Speaker—46.

*And those who voted in the negative, are*

Messrs. Bramwell, Carter, Dorsey, English, Fowler, Moore, Stuart, Thompson, Wallace, Willett and Williams—11.



So said bill was ordered to be read a third time now.

Said bill was then read a third time.

The question was then put,

Shall said bill pass?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Bigger, Brackenridge, Bradbury Brown of L., Brown of T., Clark, Colerick, Craig, Crume, Davenport, Dunn, Edwards, Evans, Fairman, Foster, Gookins, Guard, Guion, Hardesty, Howell, Hughes, Huntington, Levenworth, M'Bean, M'Donald, Nichols, Piercy, Pearson, Smith of F., Smith of K., Snapp, Stanford, Steele, Thornberry, Vance, Wilson, Wright of P., Wright of P. & D. and Palmer, Speaker —41.

*And those who voted in the negative, are*

Messrs. Beem, Brady, Bramwell, Carter, Davis, English, Fowler, Jones, Kilgore, Monroe, Moore, Parker, Smith of R., Stuart, Thompson, Wallace, Willett, Williams, and Yocom—19.

So said bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Smith of F., after having obtained leave, presented a joint resolution relative to the 3 per cent. fund heretofore appropriated to Fayette county;

Which was three times read, (the rules of the House having first been dispensed with,) and passed.

*Ordered*, That the clerk carry it to the Senate and ask their concurrence.

Mr. Crume, after having obtained leave, presented a joint resolution of the State of Indiana relative to the White Water canal;

Which was three times read (the rules of the House having first been dispensed with) and passed.

*Ordered*, That the clerk inform the Senate thereof and ask their concurrence.

Mr. Steele made the following reports, which were severally read and concurred in:

The committee on roads to which was referred the petition of sundry citizens of the counties of Elkhart and Lagrange, praying a change in a state road between the county seats in said counties, have had the same under consideration and are of opinion that there is a law in force at this time which provides amply on the above subject, therefore your committee asks to be discharged from the further consideration of the same.

The committee on roads, to which was referred the petition and remonstrance of sundry citizens of the county of Rush, the petitioners asking a change in a state road leading from the town of Rushville to Greenfield in Hancock county, have had the same

under consideration and are of opinion that the prayer of the petitioners ought not to be granted because the remonstrance aforesaid is against them by a majority of signers, therefore your committee asks to be discharged from the further consideration of the same.

Mr. Nichols made the following report, which was read and concurred in:

MR. SPEAKER:

The committee on roads, to whom was referred the petition of William W. Matlock and others, praying a relocation of a part of the state road leading from Danville to Crawfordsville and the remonstrance of C. C. Nave and others on the same subject, have, according to order had the same under consideration, and a majority of committee is of opinion that it would be inexpedient to legislate on that subject at this time and wish to be discharged from the same.

The bill to provide for the appropriation of certain unexpended balances of the 3 per cent. fund heretofore laid on the table was taken up.

On motion of Mr. Kilgore,

Said bill was amended as follows: Amend by inserting after the word "same," in 1st section, 6th line, these words, to wit: "within the counties of Wayne, Randolph, and the attached territory," in 8th line strike out "any county," and insert "in said counties."

Make it applicable to 3 per cent. heretofore appropriated before 1830.

On motion of Mr. Brown of L.,

The provisions of said bill were extended to the county of Lawrence.

Said bill was then read a third time and passed.

Ordered, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Davis made the following report, which was read and concurred in:

The select committee to which was referred a petition of Lewis Barlow, Jun. and a number of other citizens of Jackson township, Shelby county, praying an alteration in a state road from Edinburgh to Shelbyville, have according to order had the same under their consideration and have directed me to report it inexpedient to legislate on that petition at this time, as the petition does not set out the range and township line, the alteration is prayed for by said petitioners, and your committee ask to be discharged from the further consideration of the same.

The bill to attach a part of the county of Harrison to the county of Floyd,

Was read the second time and laid on the table.

The bill granting relief to John E. M'Cluer, was read the second and third times and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

The bill to locate a state road from Rising Sun in Dearborn county to intersect the state road leading from Vevay in Switzerland county to Versailles in Ripley county, at or near the cross plains in Ripley county,

Was read the 2d and 3d times and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

The bill authorizing the appointment of commissioners to divide certain school lands,

Was read the 2d and 3d times and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

The House proceeded to consider the bill to amend an act entitled an act for assessing and collecting the revenue.

The House concurred in the amendment made in committee of the whole to said bill.

Said bill was then read the third time and passed.

*Ordered*, That it be entitled an act and that the clerk inform the Senate thereof and ask their concurrence.

The bill for the relief of Polly Vannoy,

Was read the 2d time, when

Mr. Carter moved to postpone the further consideration thereof indefinitely;

Which motion did not prevail.

Said bill was then read the 3d time.

The question was then put, shall said bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bigger, Brady, Clark, Craig, Crume, Davis, Dorsey, Dunning, English, Evans, Fairman, Fowler, Guard, Guion, Hardesty, Howell, Hughes, Huntington, Kiser, Leslie, M'Donald, Monroe, Nichols, Pearson, Smith of F., Smith of K., Snapp, Stafford, Stuart, Thompson, Thornberry, Vance, Vanderveer, Willett, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D. and Yocom—41.

*And those who voted in the negative, are*

Messrs. Brown of T., Carter, Colerick, Dunn, Foster, Gookins, Jones, Levenworth, Piercy, Reid, Smith of R., Stanford, Steele and Wallace—14.

So said bill passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.



The bill to relocate a part of the state road from Levenworth to Paoli,

Was read the 2d and 3d times (the rules of the House having first been dispensed with) and passed.

*Ordered*, That it be entitled an act, and that the clerk inform the Senate thereof and ask their concurrence.

The bill to amend an act entitled an act incorporating congressional townships and providing for public schools therein,

Was read the 2d and 3d times and passed.

*Ordered*, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The bill to establish a state road from Morristown in Shelby county to Vernon in Jennings county,

Was read the second and third times and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill from the Senate for the suppression of gaming,

Was read the second time, when

Mr. Evans moved to postpone the further consideration thereof indefinitely;

Which motion did not prevail.

Said bill was then read the 3d time and passed.

*Ordered*, That the clerk inform the Senate thereof.

The engrossed bill of the Senate for printing the laws that are of a general nature in the several newspapers of this state,

Was read the 2d time, when

On motion of Mr. Levenworth,

*Ordered*, That the same do lie on the table.

The bill for the relief of the heirs of Matthias R. Nowland deceased,

Was read the second time, when

Mr. Brady moved to amend the same by inserting in the proper place in said bill so as to make them equal participants in the benefits contemplated in the bill the names of "Robert Wilson, Samuel J. Patterson, Lorenzo D. Wilson, and Isaac Harris, legal heirs and representatives of Isaac Wilson, deceased, also, Sarah Mills late Sarah Wilson;

And on the question so to amend the same, it was decided in the negative.

And the bill was read a 3d time and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

The bill to amend an act entitled an act to organize and regulate the militia of the state of Indiana,

Was read the 2d time, when

On motion of Mr. Vandever,

The same was indefinitely postponed.

The bill to divorce Peter Graffart and Casander Graffart,

Was read the 2d time, when

Mr. Davis moved that the further consideration thereof be indefinitely postponed;

Which motion was decided in the negative.

Said bill was then read a third time and passed.

*Ordered*, That the same be entitled an act, and that the clerk carry the same to the Senate and request their concurrence.

The bill to authorize the sale of a certain school section in Marion county,

Was read a 2d and 3d times and passed.

*Ordered*, That it be entitled an act and that the clerk carry the same to the Senate and ask their concurrence.

The joint memorial and resolution on the subject of the Louisville and Portland canal,

Was read the second time and laid on table.

The memorial and joint resolution on the subject of the public lands,

Was read the 2d time and laid upon the table.

The bill authorizing a loan for the purposes of internal improvements;

Was read a 2d time and indefinitely postponed.

The engrossed bill from the Senate to provide for the printing of the laws that are of a general nature in the several newspapers of this State,

Was read the second time and laid upon the table.

The bill to amend an act entitled an act to incorporate the Lawrenceburgh and Indianapolis rail road company;

Was read a third time and passed.

*Ordered*, That it be entitled an act, and that the clerk inform the Senate thereof and ask their concurrence.

The bill to abolish the office of agent of the three per cent fund,

Was read a second time, when

Mr. Dunn moved to lay the same on the table;

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bigger, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Dunn, Edwards, English, Evans, Fields, Foster, Gookins, Guion, Hardesty, Howell, Huntington, Jones, Kilgore, M'Bean, M'Donald, Pearson, Reid, Smith of F., Smith of K., Snapp, Stanford, Steele, Stuart, Thompson, Thornberry, Vandever, Wallace, Williams, Wright of P., Wright of P. and D., and Palmer, Speaker—38.

*And those who voted in the negative, are*

Messrs. Bennett, Brown of T., Carter, Craig, Crume, Davis

Dunning, Fairman, Fowler, Leslie, Levenworth, Monroe, Moore, Nichols, Parker, Piercy, Smith of R., Stafford, Willett, Wilson, Woodruff, and Yocom—22.

And so said motion passed in the affirmative.

A message from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER:

The Governor has approved and signed,

An act to declare a certain county road therein named to be a state road;

An act to regulate the fees of the commissioners of Grant county;

An act to authorize the board of commissioners of Marion county to hold a special session;

An act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved January 19, 1831;

Which originated in the House of Representatives.

A message from the Senate by Mr. Wallace, a member:

MR. SPEAKER:

The Senate has passed an engrossed bill of the Senate entitled an act to incorporate the Vincennes steam paper manufacturing company, in which I am instructed to ask the concurrence of the House.

The Senate has also passed an engrossed joint resolution, entitled a joint resolution in relation to a reduction of the price of the public lands, in which the House is requested to concur.

Also, an engrossed bill of the House of Representatives entitled an act for the relief of Joseph Rany and Philip Davis, without amendment.

The engrossed bill of the Senate named in said message, was read three times, (the rules being for that purpose suspended,) and passed.

Ordered, That the clerk inform the Senate thereof.

The engrossed joint resolution named in said message, was read a first and second times, when

Mr. Reid moved to lay the same on the table;

Which was decided in the negative.

Said joint resolution was then read a third time;

And on the question, shall said joint resolution pass?

The ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Brackenridge, Bradbury, Brady, Bramwell, Brown of L., Brown of T., Carter, Craig, Crume, Davis, Dorsey, Edwards, English, Evans, Fairman, Fields, Foster, Fowler, Goo-



kins, Guion, Hardesty, Howell, Huntington, Kilgore, Kiser, Leslie, Levenworth, M'Bean, Moore, Nichols, Pearson, Piercy, Reid, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Steele, Thornberry, Vandever, Williams, Wilson, Woodruff, Wright of P., Wright of P. and D., Yocom, and Palmer, Speaker—49.

*And those who voted in the negative, are*

Messrs. Bigger, Guard, Noble, Thompson, Wallace, and Willett—6.

And so it was ordered that the joint resolution do lie on the table.

A message from the Senate by Mr. Feeny, a member:

MR. SPEAKER:

The Senate concur in the report of the committee of free conference on the part of the Senate, to take into consideration the disagreeing votes of the two Houses on the bill of the Senate for the further improvement of the Michigan road.

Mr. Gookins from the joint committee on enrolled bills reported, that they have this day presented to His Excellency the Governor for his approval and signature acts and joint resolutions entitled as follows, to-wit:

An act to incorporate the Indianapolis and Lafayette rail road company;

An act to regulate the fees of the commissioners of Grant county;

An act to incorporate the Millport bridge company;

An act to provide for opening and repairing public roads and highways of Owen, Lawrence and Greene;

An act to amend an act to organize Probate courts and defining the powers and duties of executors, administrators and guardians, approved Feb. 10, 1833;

An act to declare a certain county road therein named to be a state road;

An act entitled an act to amend an act to locate a state road from Delphi to Muncietown, approved February 1, 1831;

An act to amend an act entitled an act organizing circuit courts and defining their powers and duties, and for other purposes;

An act providing for an additional place of holding elections in the several counties in this state;

An act providing means for the Wabash and Erie canal;

An act to provide for the location of the Muncietown and Fort Wayne state road;

An act to provide for the taking of depositions in certain cases therein named;

An act extending the jurisdiction of justices of the peace to fifty dollars in actions of trespass and replevin;

An act to amend the act entitled an act to appropriate part of the three per cent. fund and for other purposes, approved February 10, 1831;

An act to incorporate the Switzerland county seminary;

An act to locate and establish a state road from Greensburgh to the falls of the Ohio river;

An act to incorporate the Indiana teachers' seminary;

An act to establish a state road therein named;

An act to authorize the trustees of Charlestown in the county of Clark to lay off a certain street therein named;

An act to amend an act entitled an act to incorporate the town of Madison, approved February 4, 1831;

An act to incorporate the mutual fire insurance company of Terre Haute;

An act to attach the county of Carroll to the first judicial circuit and for other purposes;

A joint resolution for the benefit of Randolph, Spencer, and Laporte counties, and for other purposes;

An act to vacate the town of Union in Boone county in the state of Indiana;

An act for the formation of White county;

An act to locate a state road from Greenfield in Hancock county to Middletown in Henry county;

An act to incorporate the Fort Wayne and St. Marys bridge company;

An act supplemental to an act entitled an act incorporating congressional townships and providing for public schools therein, approved February 2, 1833;

An act to authorize the board of commissioners of Marion county to hold a special session;

An act to locate a state road from Jamestown in Boone county by the way of Russelville in Putnam county, to intersect the state road leading from Crawfordsville to Rockville;

An act to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831;

An act to divorce Lyman Leslie and his wife Lavinia;

An act to legalize the proceedings of the trustees of the Decatur county library;

An act for the relief of Elias Murray and Edmund B. Goodrich;

An act to locate a state road from Michigan city in Laporte county to the western boundary of the state, and for other purposes;

An act to authorize Daniel Bales of Morgan county to pay over to James T. Hadley the sum of fifteen dollars out of a road fund in his hands;

An act to incorporate the New Albany and Jeffersonville rail road company;

An act to incorporate the town of Lafayette;

An act for the benefit of revolutionary soldiers;

An act to amend an act entitled an act to quiet certain titles in Mount Vernon and for the benefit of Thomas Givens, approved February 2, 1833;

An act in amendment to an act entitled an act concerning clerks;

An act to locate and establish a state road from Madison by Paris and Brownstown to Bloomington;

An act to amend an act entitled an act for the incorporation of county libraries, approved February 9, 1831;

An act for the relief of Jonathan Rogers and William Waugh;

An act establishing the route of a part of the Indianapolis and Madison state road;

An act for the relief of Alexander Massy;

An act to locate a state road in Dearborn and Ripley counties;

An act to amend the act entitled an act authorizing the seizure of boats and other vessels for debt, approved Jan. 22, 1824;

An act to relocate part of the state road from Madison to Indianapolis;

An act to vacate the town of Darlington in Grant county;

An act to amend an act entitled "an act amendatory to an act entitled an act to organize probate courts and defining the powers and duties of executors, administrators and guardians," approved Feb 3, 1832;

An act to legalize the proceedings of the county commissioners in Bartholomew county, at their January term, 1832;

An act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved 10th February, 1831; and

A memorial on the subject of the National road.

A message from the Senate by Mr. Morrison, a member:

**MR. SPEAKER:**

The Senate has passed an engrossed bill of the Senate entitled an act for the relief of John H. Scott and the infant heirs of Ann M. Scott, deceased, in which the concurrence of the House is requested.

The engrossed bill named in said message, was read the first time, when

Mr. Carter moved to reject;

Which was decided in the negative.

The said bill was then read a second and third times and passed.

*Ordered*, That the clerk inform the Senate thereof.

The bill to amend the act entitled an act regulating divorces, approved January 17, 1831;

Was read the second time and laid on the table.

The bill to prevent the sale of ardent spirits to the Miami and



Pottawatomie Indians, and to repeal an act entitled an act to prevent the sale of ardent spirits to the Indians, approved February 3, 1832, was read a second and third times;

And on the question, shall the bill pass?

It was decided in the negative.

The bill to amend an act entitled an act to provide for the commissioning of sheriffs and coroners and regulating their duties, approved January 7, 1824, was read a second time, when

On motion of Mr. Pearson,

*Ordered*, That the bill do lie on the table.

The bill to amend an act entitled an act regulating the practice in suits at law, approved February 10, 1831;

The bill to extend the provisions of an act entitled an act for the relief of insolvent debtors, approved February 9, 1831;

The bill to regulate the weight of grain;

The bill to amend an act entitled an act regulating the taking up of animals going estray, and water crafts and other articles of value going adrift;

The bill to amend the act entitled an act for the appointing of a circuit prosecutor and defining his duty;

The bill to amend an act entitled an act relative to crime and punishment; and

A joint resolution for the promotion of education;

Were severally read the second time and laid on the table.

The bill for the inspection of certain articles therein enumerated,

Was read a second and third times and passed.

*Ordered*, That it be entitled an act and that the clerk inform the Senate thereof and ask their concurrence.

The bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10, 1831,

Was read a second time.

Mr. Leslie moved to amend the same so as to provide that where defendant shall have been served with process and fail to appear at the time and place set for trial, that judgment be rendered against him by default.

A message from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER:

HIS Excellency the Governor did, on this day, approve and sign,

An act supplemental to an act entitled an act incorporating congressional townships, and providing for public schools therein, approved February 2, 1833;

An act to amend the act entitled an act to appropriate part of the three per cent. fund and for other purposes, approved February 10, 1831;

An act to provide for the taking of depositions in certain cases therein named;

An act to change a part of the state road leading from the Cumberland to the Lafayette road at Burke's run;

An act to locate a state road from Greenfield in Hancock county to Middletown in Henry county;

An act extending the jurisdiction of justices of the peace to fifty dollars in the actions of trespass and replevin;

An act to authorize the trustees of Charlestown in the county of Clark to lay off a certain street therein named;

An act entitled an act to amend an act to locate a state road from Delphi to Muncietown, approved February 1, 1831;

An act to amend an act entitled an act organizing circuit courts and defining their powers and duties, and for other purposes;

An act providing for an additional place of holding elections in the several counties in this state;

An act to attach the county of Carroll to the first judicial circuit, and for other purposes;

An act to amend an act entitled an act to incorporate the town of Madison, approved February 1, 1831;

An act to provide for the location of the Muncietown and Fort Wayne state road;

An act for the formation of White county;

An act to vacate the town of Union in Boone county in the state of Indiana; and

A joint resolution for the benefit of Randolph, Spencer, and Laporte counties, and for other purposes;

Which originated in the House of Representatives.

And then the House adjourned until half past 6 o'clock, P. M.

*Half past 6 o'clock, P. M.*

**The House met pursuant to adjournment.**

Mr. Dunning from the joint committee on enrolled bills now report, that they have compared the enrolled with the engrossed bills of the House entitled acts as follows, to-wit:

An act to incorporate the Charlestown manufacturing company;

An act declaring the county road leading from Connersville to Milton a state road;

An act to amend an act entitled an act for assessing and collecting the revenue, approved February 10, 1831;

An act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved January 19, 1831;

An act to locate a state road from the county seat of Lagrange county to the county seat of Elkhart county;

An act to amend an act to incorporate the Madison, Indianapolis-

lis, and Lafayette rail road company, approved February 2, 1832;  
And find the same truly enrolled.

Whereupon, the Speaker signed the same.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

The House resumed the consideration of the bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, pending when the House adjourned.

The pending question was on the adoption of the amendment proposed by Mr. Leslie.

Before the question was had thereon,

Mr. Evans moved to postpone the further consideration thereof indefinitely; when,

On motion of Mr. Kelso,

*Ordered*, That the bill and pending amendment do lie on the table.

The bill to amend an act entitled an act regulating the practice in suits at law, was read the second time, when

Mr. Bigger moved to postpone the further consideration thereof indefinitely; when,

On motion of Mr. Crume,

*Ordered*, That the same do lie on the table.

The bill to amend an act entitled an act defining and regulating privileges in certain cases, was read the second time and laid on the table.

The engrossed joint resolution relative to the acts and joint resolutions of the Indiana Territory and of the state of Indiana, was read the second and third times and passed.

*Ordered*, That the clerk inform the Senate thereof.

The bill to declare the true intent and meaning of the law giving justices of the peace jurisdiction in cases where executors, administrators, and guardians are plaintiffs, was read the second and third times and passed.

*Ordered*, That it be entitled an act, and that the clerk inform the Senate thereof and ask their concurrence.

The bill to amend an act entitled an act for opening and repairing public roads and highways, approved February 10, 1831, was read the second time and laid on the table.

The bill relative to the removal of seats of justice and for other purposes, was read the second time and laid on the table.

The bill to amend the act relative to crime and punishment, approved February 10, 1831, was read the second time and laid on the table.

The bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10, 1831, was read the second time and laid on the table.

The bill to amend an act entitled an act to provide for commissioning of sheriffs and coroners and regulating their duties, ap-



proved February 7th, 1831, was read the second time and laid on the table.

The bill to amend an act entitled an act incorporating congressional townships and providing for public schools therein, was read the second time.

Mr. Carter moved to lay the same on the table;

Which motion did not prevail.

Said bill was then read the third time.

The question was then put, shall said bill pass?

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Angle, Bennett, Bigger, Bradbury, Bramwell, Brown of T., Crume, Davenport, Dunning, Edwards, English, Foster, Gookins, Guard, Guion, Hardesty, Hughes, Huntington, Kelso, M'Bean, M'Donald, Moore, Nichols, Pearson, Piercy, Reid, Smith of F., Smith of K., Snapp, Stafford, Stanford, Stuart, Vance, Wallace, and Willett—36.

*And those who voted in the negative, are*

Messrs. Beem, Brady, Carter, Clark, Craig, Davis, Dorsey, Dunn, Fowler, Howell, Kiser, Leslie, Levenworth, Parker, Smith of R., Vandever, Williams, and Wright of P. and D.—20.

So said bill passed.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate concur in the report of the committee of free conference appointed by the Senate to take into consideration with a similar committee appointed by the House, the disagreeing votes on the amendment to the engrossed bill of the Senate in relation to monies arising from leases of saline reservations and for other purposes.

The engrossed bill from the Senate to provide for the preservation of the property on the Governor's circle,

Was read the second time.

Mr. Smith of K. moved to strike out the sixth section,

Which motion passed in the affirmative.

Mr. Moore moved to lay the same on the table,

Which motion did not prevail.

Said bill was then read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill of the House entitled

an act making specific appropriations for 1834; with amendments in which the concurrence of the House of Representatives is requested.

The third, fourth, fifth, sixth, seventh, eighth, ninth, eleventh, and twelfth amendments made by the Senate to the bill of the House named in said message, were read and concurred in.

The House disagreed to the first, second, tenth, and thirteenth of said amendments.

*Ordered*, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris, their Secretary:

**MR. SPEAKER:**

The Senate has passed bills of the House entitled as follows:

An act for the relief of sundry citizens of Monroe county, and

An act for the relief of Nathan Padgett; with amendments to each, in which the concurrence of the House of Representatives is requested.

The House concurred generally in the amendments made by the Senate to said bills.

Mr. Smith of F., after having obtained leave, presented a joint resolution relative to the agent of the three per cent. fund;

Which was three times read and passed.

*Ordered*, That Mr. Smith of F. inform the Senate and ask their concurrence.

A message from the Senate by Mr. Morris, their Secretary:

**MR. SPEAKER:**

The Senate has passed bills, &c. of the House entitled,

An act to locate a state road in the county of Switzerland;

A joint resolution relative to the three per cent. fund heretofore appropriated to Fayette county; and

A joint resolution of the state of Indiana relative to the White Water canal; without amendment.

A message from the Senate by Mr. Feeny, a member:

**MR. SPEAKER:**

The Senate has passed engrossed bills, &c. of the House entitled as follows:

An act to appropriate a part of the 3 per cent. fund in Monroe county;

An act making general appropriations for the year 1834;

An act for the relief of Purnal Dean;

An act to locate a state road from Morgantown in Morgan county to Indianapolis;

An act to legalize the sale of school lands in Vermillion county;

An act to change a part of the state road from the town of Richmond, in Wayne county, to Fort Wayne, in Allen county;

An act subjecting certain articles from sale for repairs after a certain period;

An act to incorporate the Jeffersonville steam mill company;

An act to amend an act to establish a state road from Fairplay in Greene county to intersect the Vincennes state road at or near Benjamin Stafford's in said county;

An act to establish a state road from Spencer in Owen county via Pleasant Garden in Putnam county to Dickson's mills in Parke county;

An act to provide for the election of a justice of the peace in the town of Jentryville;

An act to incorporate the Levenworth manufacturing company;

An act to locate certain state roads therein named;

An act to locate a state road from Carlisle via intermediate points to Terre Haute;

An act to locate a state road from the South Bend of the St. Joseph to the western boundary of the state;

An act to locate a state road from a point on the Ohio line to near Fort Recovery to Goshen in Elkhart county;

An act to change a part of a state road therein named;

An act to establish a state road from Lexington to the 18th mile stake in Jefferson county;

An act for the relief of Richard L. Dickson;

An act to authorize John Hardin of Washington county to pay Nathan Maudlin of said county certain moneys in his hands; and

An act to locate a state road from Lyon's mill to Morgantown in Morgan county; without amendment.

Mr. English from the joint committee of enrolled bills, reported, that they did on this day present to the Governor for his approval and signature acts and joint resolutions as follows, to wit:

An act to establish a state road from Hill's mill in Rush county to Rezin Davis' in Shelby county;

An act to authorize the location of a state road from Fort Wayne in Allen county to Yellow river where the Michigan road crosses the same;

An act to authorize James Alexander former collector of Monroe county yet to collect any taxes remaining due and unpaid in said county for the year or years for which said Alexander was collector and for other purposes;

An act to authorize the survey of roads in the county of Switzerland;

An act to declare a certain road therein named to be a state road;

An act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10, 1831; and

An act to provide for the relocation of the state road leading from Martinsville in Morgan county to Edinburgh in Johnson county;



A joint resolution of the General Assembly authorizing the agent of state for the town of Indianapolis to convey certain land; and

A joint resolution relative to insurance companies.

A message from the Senate by Mr. Morris their Secretary.

**MR. SPEAKER:**

The Senate recede from their 2d, 10th and 13th, and insist on their 1st amendment to the engrossed bill of the House making specific appropriations for 1834.

On motion of Mr. Crume,

The House insisted on their disagreement to the said 1st amendment of the Senate.

*Ordered*, That Messrs. Crume and Kilgore be appointed a committee of free conference on the part of the House to take into consideration with a similar committee of the Senate the disagreeing vote of the two Houses on the subject of said amendment, and that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Feeny a member,

**MR. SPEAKER:**

The Senate has passed the following engrossed bills of the House of Representatives entitled acts as follows, to wit:

An act to authorize the appointment of commissioners to divide certain school lands;

An act for the relief of Polly Vannoy;

An act to locate a state road from Rising Sun in Dearborn county to intersect the state road leading from Vevay in Switzerland county to Versailles in Ripley county at or near the Cross Plains in Ripley county, without amendment.

Mr. Huntington, after having obtained leave, moved the following resolution:

*Resolved*, That the thanks of this House be tendered to the Hon. Nathan B. Palmer, for the dignified and impartial manner in which he has presided over its deliberations during the present session of the General Assembly; which was read and unanimously adopted.

A message from the Senate by Mr. Morris their Secretary.

**MR. SPEAKER:**

The Senate has passed an engrossed bill of the House entitled, as follows:

An act to divorce Peter Graffert and Cassander Graffert with an amendment, in which the concurrence of the House of Representatives is requested.

The amendment made by the Senate to the bill named in said message, was read and concurred in.

A message from the Senate by Mr. Morris their Secretary.

**MR. SPEAKER:**

The Senate concurs in the amendments proposed by the House to the engrossed bill of the Senate to locate certain roads therein named.

They have passed without amendment an engrossed bill of the House to authorize the sale of a certain school section in Marion county.

A message from the Senate by Mr. Sigler, a member.

**MR. SPEAKER:**

The Senate adhere to their first amendment to the engrossed bill of the House making specific appropriation for 1834.

Mr. Crume moved that the House adhere to their disagreement to said amendment,

And the ayes and noes being requested thereon by two members,

*Those who voted in the affirmative, are*

Messrs. Beem, Bigger, Bradbury, Brady, Brown of L., Brown of T., Crume, Dunn, English, Evans, Fairman, Gookins, Guard, Guion, Hardesty, Kelso, Kilgore, Kiser, Leslie, M'Bean, M'Donald, Moore, Nichols, Parker, Pearson, Piercy, Smith of F., Smith of K., Smith of R., Snapp, Stafford, Thornberry, Wallace and Wilson—31.

*And those who voted in the negative, are*

Messrs. Bennett, Brackenridge, Carter, Craig, Dorsey, Dunning, Foster, Fowler, Howell, Levenworth, Stanford, Stuart, Vandever, Willett, Williams and Wright of P. & D.—16.

So the House adhere to their said disagreement to said amendment of the Senate to said bill.

A message from the Senate by Mr. Morris their Secretary.

**MR. SPEAKER:**

The Senate have concurred in the amendment of the House to the bill of the Senate for the preservation of the property on the Governor's circle.

A message from the Senate by Mr. Feeny, a member.

MR. SPEAKER:

The Senate has passed engrossed bills of the House entitled, as follows:

An act to establish a state road from Morristown in Shelby county to Vernon in Jennings county; and

An act to locate and establish a state road from Shelbyville, via Hartsville to Adam Keller's mill, the first without the last with an amendment. In which the concurrence of the House of Representatives is requested.

They have also passed an engrossed bill of the Senate to amend an act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 2, 1833. In which the concurrence of the House is requested.

Mr. Kiser moved to amend the amendment of the Senate to the bill of the House secondly in said message named, by adding thereto these words "to Goshen and thence;" which motion was decided in the negative.

The amendment made by the Senate to said bill, was then concurred in by the House.

The bill of the Senate named in said message, was three times read, amended by unanimous consent and passed.

*Ordered,* That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate concur in the amendment proposed by the House to the engrossed bill of the Senate for the preservation of the property on the Governor's circle.

The Senate has passed engrossed bills of the House entitled, as follows:

An act to amend an act entitled an act to provide for the commissioning of sheriffs and coroners and to regulate their duties, approved Feb. 7, 1834; without amendment.

An act to amend an act entitled an act to incorporate the Lawrenceburgh and Indianapolis rail road company, approved Feb. 2, 1832; with an amendment. Also, without amendment, the following engrossed bills of the House entitled, as follows:

An act declaring the true intent and meaning of the law giving justices jurisdiction in cases where executors, administrators and guardians are plaintiffs;

A joint resolution relative to the agent of the 3 per cent. fund;

An act providing for the inspection of certain articles therein named; and

An act to amend an act entitled an act to establish a college in the state of Indiana, approved Jan. 24, 1828. In which amendment to the bill of the House their concurrence is requested.



The amendment of the Senate to the bill of the House named in said message, was read and concurred in.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate has passed an engrossed bill of the Senate of the following title, viz:

An act to amend an act regulating the fees and salaries, of the several officers and persons therein named, approved Feb. 7, 1831. In which I am instructed to ask the concurrence of the House.

The bill of the Senate named in said message, was three times read and passed.

*Ordered,* That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate has passed an engrossed bill of the House of Representatives entitled an act to amend an act entitled an act concerning the seminary townships of lands in Gibson and Monroe counties; with amendments. In which the concurrence of the House is requested.

The House concurred in said amendments generally.

Mr. Gookins from the joint committee on enrolled bills, reported, that they have this day presented to His Excellency the Governor for his approval and signature, acts as follows, to wit:

An act to locate a state road from the county seat of Lagrange county to the county seat of Elkhart county;

An act to amend an act to incorporate the Madison, Indianapolis and Lafayette rail road company, approved Feb. 2, 1832;

An act declaring the county road leading from Connersville to Milton a state road;

An act to incorporate the Charlestown manufacturing company;

An act to amend an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831; and

An act to amend an act entitled an act for assessing and collecting revenue, approved Feb. 10, 1831.

On motion of Mr. Evans,

The vote taken on the postponement of the engrossed bill from the Senate for the relief of state debtors, was reconsidered.

Said bill was then read the third time and passed.

*Ordered,* That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris their Secretary.

**MR. SPEAKER:**

The Senate has passed (without amendment) an engrossed bill from the House of Representatives entitled an act to authorize the transfer and conveyance of certain real estate therein named.

A message from the Senate by Mr. Morris their Secretary.

**MR. SPEAKER,**

The Senate recede from their adherence, and insist on their 1st amendment to the engrossed bill of the House making specific appropriations for 1834, and have appointed Messrs. Long and Farrington a committee of free conference to take into consideration with the committee appointed by the House, the disagreeing votes of the two Houses on said first amendment.

On motion of Mr. Crume,

A committee of free conference was appointed on part of the House to act with the committee on the part of the Senate, relative to said disagreement.

*Ordered,* That Messrs. Crume and Kilgore be said committee.

A message from the Senate by Mr. Morris their Secretary.

**MR. SPEAKER:**

The Senate has passed an engrossed bill of the House to legalize the proceedings of the commissioners of the state road from Shelbyville to the Indianapolis and Madison state road near Klapp's mill, with an amendment, in which the concurrence of the House of Representatives is requested.

Whereupon,

The House concurred in said amendment.

*Ordered,* That the Clerk inform the Senate thereof.

A message from the Governor by Mr. Maguire his private Secretary:

**MR. SPEAKER:**

The Governor did, on this day, approve and sign

A joint resolution of the General Assembly authorizing the Agent of state for the town of Indianapolis to convey certain land:

An act to establish a state road from Hill's mill in Rush county to Rezin Davis' in Shelby county;

An act to authorize the location of a state road from Fort Wayne in Allen county to Yellow river, where the Michigan road crosses the same;

An act to provide for the relocation of the state road leading from Martinsville in Morgan county to Edinburgh in Johnson county;

An act to authorize James Alexander former collector of Mon-

roe county, yet to collect any taxes remaining due and unpaid in said county, for the year or years for which said Alexander was collector, and for other purposes;

An act to locate a state road in Dearborn and Ripley counties;

An act to incorporate the Fort Wayne and St. Mary's bridge company;

A memorial on the subject of the national road;

An act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831;

An act to legalize the proceedings of the county commissioners in Bartholomew county at their January term, 1832;

An act to amend an act entitled an act amendatory to an act entitled an act to organize probate courts and defining the powers and duties of executors, administrators and guardians, approved Feb. 3, 1832;

An act to authorize Daniel Bales of Morgan county to pay over to James T. Hadley the sum of fifteen dollars out of a road fund in his hands;

An act to locate a state road from the county seat of Lagrange county to the county seat of Elkhart county;

An act to amend an act to incorporate the Madison, Indianapolis and Lafayette rail road company;

An act declaring the county road leading from Connersville to Milton a state road;

An act to amend an act entitled an act for assessing and collecting the revenue, approved Feb. 10, 1831;

An act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831;

An act to authorize the survey of roads in the county of Switzerland;

An act to declare a certain county road therein named to be a state road;

An act to vacate the town of Darlington in Grant county;

A joint resolution relative to insurance companies;

An act to locate part of the state road from Madison to Indianapolis;

An act for the relief of Alexander Massey;

An act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831;

An act establishing the route of a part of the Indianapolis and Madison state road;

An act to amend the act entitled an act authorizing the seizure of boats and other vessels for debt, approved Feb. 10, 1824;

Which originated in the House of Representatives.

A message from the Senate by Mr. Morris their Secretary.



**MR. SPEAKER:**

The Senate disagrees to the amendment proposed by the House to the amendment of the Senate to the engrossed bill of the House entitled an act to amend an act to incorporate the Lawrenceburgh and Indianapolis rail road company, approved February 2nd, 1832:

*Ordered,* That the bill named in said message do lie on the table;

A message from the Senate by Mr. Morris their Secretary:

**MR. SPEAKER:**

The Senate concurs in the amendments proposed by the House to the engrossed bill of the Senate to amend an act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 2, 1833, with an amendment; in which amendment the concurrence of the House of Representatives is requested.

The Senate has passed without amendment an engrossed bill of the House to incorporate the Levenworth and Bloomington rail road company.

Whereupon,

The House concurred in the amendment of the Senate to the bill of the House named in said message.

Mr. Crume made the following report:

The committee of free conference appointed on the part of the House to act with a similar committee of the Senate upon the disagreeing votes of the two Houses on the first amendment of the Senate to the engrossed bill of the House making specific appropriations for the year 1834, report that said committee have been unable to agree with the committee of the Senate upon any adjustment of said subject matter submitted to them, and ask to be discharged.

Whereupon,

Said committee was discharged accordingly, and the House continued to adhere to their said disagreement to said amendment.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Dunning, from the joint committee on enrolled bills, now report, that they have compared the enrolled with the engrossed bills of the House entitled acts as follows, to wit:

An act to relocate a part of the Mooresville, Danville and Crawfordsville state road;

An act to amend an act entitled an act to incorporate the Ohio and Lafayette Rail Road Company, approved February 2, 1832.

An act to locate a state road from Joab Woodruff's to Franklin in Johnson county;

An act to amend an act entitled an act to authorize the vacation of towns, approved Feb. 10, 1831;

An act to establish a state road from Connell's mills in Franklin county through Columbia in Fayette county, in the direction of Louisville in Henry county, to intersect the Rushville and Connersville state road;

An act to amend the act entitled an act to appropriate part of the three per cent. fund and for other purposes, approved February 10, 1831;

An act authorizing the county board of Madison county to change the name of the town of West Union in said county:

And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

A message from the Senate by Mr. Beard a member.

MR. SPEAKER:

The Senate has passed an engrossed bill of the House entitled

An act to amend an act regulating the practice in suits at law, with amendments, in which I am instructed to ask the concurrence of the House.

The several amendments named in said message were read and concurred in.

A message from the Senate by Mr. Morris their Secretary,

MR. SPEAKER:

The Senate recede from their 1st amendment to the engrossed bill of the House of Representatives entitled an act making specific appropriations for 1834:

And then the House adjourned until Monday morning at 5 o'clock.

MONDAY MORNING, FEBRUARY 3, 1834.

The House met pursuant to adjournment.

Mr. Gookins, after having obtained leave, presented a bill to change the time of holding courts in the first circuit;

Which was three times read (the rules of the House being dispensed with) and passed.

*Ordered*, That it be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Mr. Bennett, from the joint committee on enrolled bills reported that they have compared the enrolled with the engrossed bills entitled acts, as follows, to wit:

An act to divorce Peter Graffart from his wife Cassander Graffart;

An act amendatory of an act entitled an act declaring Busseron creek a public highway, approved January 21, 1826;

An act to legalize the proceedings of the school trustees of Congressional township No. 12, north of range 1 east, in Morgan county;

An act to locate and establish a state road from Robert Hankins' to David Gunning's in Shelby county;

An act to provide for the election of a justice of the peace in the town of Jentryville;

An act to establish a state road from Spencer in Owen county, via Pleasant Garden in Putnam county to Dixon's mill in Parke county;

An act to continue the provisions of a joint resolution of the General Assembly for the benefit of state debtors, approved Feb. 2, 1833;

An act to relocate part of the state road from Levenworth to Paoli;

An act declaring a certain road therein named a state road;

An act for the suppressing of gaming;

A joint resolution in relation to a reduction of the price of public lands;

An act to amend an act entitled an act to provide for the commissioning sheriffs and coroners, and to regulate their duties, approved February 7, 1824;

An act to change a part of the state road from Richmond in Wayne county to Ft. Wayne in Allen county;

An act declaring the true intent and meaning of the law giving justices jurisdiction in cases where executors, administrators and guardians are plaintiffs;

An act to amend the act entitled an act for the relief of the poor, approved Feb. 10, 1831;

An act in amendment to an act entitled an act to appropriate part of the three per cent. fund, approved Jan. 31, 1833;

An act for the relief of John H. Scott and the infant heirs of Ann M. Scott, deceased;

An act to locate a state road from South Bend to the western boundary of the state;

A joint resolution relative to the 3 per cent. fund heretofore appropriated to Fayette county;

An act for the relief of Joseph Raney and Philip Davis;

An act to amend an act entitled an act to establish a college in the state of Indiana, approved Jan. 24, 1828;

An act for the relief of Balsor Fox and others;



An act to change part of a state road therein named;

A memorial and joint resolution of the General Assembly of the state of Indiana to the Congress of the United States concerning the Wabash and Erie canal lands;

An act to legalize the sale of school lands in Vermillion county;

An act to establish a state road from Morristown in Shelby county to Vernon in Jennings county;

An act to provide for establishing a state road from Lyon's mill to Morgantown in Morgan county;

An act to authorize the sale of certain school sections in Marion county;

An act to authorize the transfer and conveyance of certain real estate therein named;

A joint resolution relative to the agent of the three per cent. fund;

An act for the relief of Richard L. Dickson;

An act for the location of a state road from a point on the Ohio line near Fort Recovery to the town of Goshen in Elkhart county;

An act to authorize John Hardin in Washington county to pay over to Nathan Mauplin of said county all sums of money in his hands as road commissioner of said county;

An act for the relief of Powell Deans;

An act to amend an act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 2, 1833;

An act to amend the act entitled an act regulating the fees and salaries of the several officers and persons therein named, approved Feb. 7, 1831;

An act to amend an act entitled an act to establish a state road from Fairplay in Green county to intersect the Vincennes state road at or near Benjamin Stafford's in said county, approved Feb. 1, 1831;

An act for the relief of Nathan Padgett;

An act for the relief of sundry citizens of Monroe county;

An act to establish a state road from Lexington in Scott county to the 13th mile stake in Jefferson county;

An act to provide for the location of certain state roads therein named;

An act in relation to moneys arising from leases of saline reservations, and for other purposes;

A joint resolution in relation to the acts and journals of Indiana territory and of the state of Indiana;

An act to regulate trials of the rights of property;

An act to incorporate the Vincennes steam paper manufacturing company;

An act to establish a state road from Rome in Perry county to Paoli in Orange county;

An act to incorporate the Eel river bridge company;

An act for the preservation of the public property on the Governor's circle,

And find the same truly enrolled,

And the joint committee on enrolled bills further report that the foregoing bills having been signed by the Speaker of the House of Representatives and the President pro tem. of the Senate, the committee have on this day presented them to His Excellency the Governor, for his approval and signature.

Mr. English from the joint committee on enrolled bills now report that they have compared the enrolled with the engrossed bills and joint resolutions of the following titles, to wit:

An act to provide for the improvement of the navigation of the Wabash river;

An act to declare White creek navigable;

An act to amend an act entitled an act to subject real and personal estate to execution, approved Feb. 4, 1831;

An act supplemental to an act entitled an act to incorporate the Evansville and Lafayette rail road company;

A joint resolution providing for the survey of the lands along the Wabash and Erie canal ceded by the Miami Indians for the use of the canal;

A joint resolution relative to the cession of the Wabash and Erie canal lands which lie in the State of Ohio;

An act to authorise writs of ne exeat;

An act for the further improvement of the Michigan road;

An act for the relief of the securities of certain officers;

An act to incorporate the Indiana north west rail road company;

An act changing the name of David Miller;

An act to establish a state road from Jasper to Troy;

An act to incorporate the Kankakee manufacturing company;

An act to incorporate the Jeffersonville insurance company;

An act to amend and revise the act entitled an act to incorporate the several townships in the county of Dearborn and for other purposes, approved Feb. 7, 1825;

An act to incorporate the Rising Sun insurance company;

An act to authorize and require the loaning of the library monies of the county of Dubois to the board of commissioners of said county;

An act to provide for the inspection of articles therein enumerated;

An act to legalize the proceedings of the commissioners of the state road from Shelbyville to the intersection of the Indianapolis and Madison state road near Klapp's mills;

An act to amend an act regulating the practice in suits at law;

An act to amend an act entitled an act concerning the semina-

ry townships of land in Gibson and Monroe counties, approved Jan. 25, 1827;

An act making specific appropriations for the year 1834;

An act authorizing the appointment of commissioners to divide certain school lands;

An act to locate and establish a state road from Shelbyville in Shelby county via Hartsville in Bartholomew county to Adam Keller's mills in Jennings county;

An act for the relief of Polly Vannoy;

An act to locate a state road from Rising Sun in Dearborn county to intersect the state road leading from Vevay to Versailles in Ripley county, at or near cross plains in Ripley county;

An act to incorporating the Levenworth manufacturing company;

An act to incorporate the Levenworth and Bloomington rail road county;

An act to appropriate a part of the 3 per cent. fund in Monroe company;

A joint resolution of the State of Indiana relative to the White Water canal.

An act to locate a certain state road from Carlisle via intermediate points to Terre Haute;

An act to amend an act entitled an act to locate a state road from Andersonstown in Madison county to Logansport in Cass county, approved Feb. 2, 1833;

An act to locate a state road from Morgantown in Morgan county to Indianapolis;

An act to incorporate the Jeffersonville steam mill company;

An act making general appropriations for the year 1834;

An act to locate a state road in Dearborn county;

An act making specific appropriations for the year 1834;

An act subjecting certain articles to sale for repairs after a certain period;

An act to locate a state road in the county of Switzerland;

An act declaring what shall be evidence in certain cases;

And find them truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry them to the Senate for the signature of their President.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate has passed an engrossed bill of the House entitled an act giving to mechanics a lien upon buildings, without amendment.



The Speaker laid before the House the following communication from the Governor:

**EXECUTIVE DEPARTMENT,**

INDIANAPOLIS, MONDAY MORNING, Feb. 3, 1834. }

THE HON. N. B. PALMER.

*Speaker of the House of Representatives;*

SIR—I return to your branch of the Legislature in which it originated, “an act to incorporate the Charlestown manufacturing company.” This act contains in its 8th section a provision upon which I based my objections to the charter of the Levenworth manufacturing company, and without repeating the objections then offered, I respectfully return the act named for such disposition as the House may further direct. N. NOBLE.

On motion of Mr. Smith of K.,

*Ordered,* That said communication and bill accompanying the same do lie on the table.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate has passed an engrossed bill of the House entitled an act to change the time of holding the courts in the first circuit, without amendment.

Mr. Gookins from the joint committee of enrolled bills, reported, that they have compared the enrolled with the engrossed bill entitled

An act to change the time of holding the courts in the first circuit;

And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered,* That the clerk carry it to the Senate for the signature of their President.

Mr. Dunning from the joint committee on enrolled bills, now report, that they have compared the enrolled with the engrossed bill of the House entitled an act as follows:

An act giving to mechanics a lien on buildings.

And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered,* That the clerk carry it to the Senate for the signature of their President.

Mr. Gookins from the joint committee of enrolled bills, reported, that they did on this day present to the Governor for his approval and signature, an enrolled bill entitled

An act to change the time of holding the courts in the first circuit.

A message from the Governor by Mr. Maguire his private Secretary:

## MR. SPEAKER:

His Excellency the Governor has approved and signed acts and joint resolutions entitled as follows:

- An act making specific appropriations for the year 1834;
- An act making general appropriations for the year 1834;
- An act to authorize John Hardin of Washington county to pay over to Nathan Maudslain of said county all sums of money in his hands as road commissioner of said county;
- A joint resolution relative to the 3 per cent. fund heretofore appropriated to Fayette county;
- An act to divorce Peter Graffart from his wife Cassander Graffart;
- An act giving to mechanics a lien on buildings.
- An act to change the time of holding the courts in the first circuit;
- An act to locate a state road from Carlisle via intermediate points to Terre Haute;
- An act to incorporate the Levenworth and Bloomington rail road company;
- An act to locate a state road in the county of Switzerland;
- An act to incorporate the Jeffersonville steam mill company;
- An act authorizing the appointment of commissioners to divide certain school lands;
- An act to amend an act entitled an act to locate a state road from Andersonstown in Madison county to Logansport in Cass county, approved Feb. 2, 1833;
- An act for the relief of Polly Vannoy;
- An act to locate and establish a state road from Shelbyville in Shelby county via Hartsville in Bartholomew county to Adam Keller's mills in Jennings county;
- An act to locate a state road from Rising Sun in Dearborn county to intersect the state road leading from Vevay to Versailles in Ripley county, at or near cross plains in Ripley county;
- An act to amend an act entitled an act to establish a college in the state of Indiana, approved Jan. 24, 1828;
- An act to establish a state road from Morristown in Shelby county to Vernon in Jennings county;
- An act to amend an act entitled an act concerning the seminary townships of land in Gibson and Monroe counties;
- An act to locate a state road from South Bend to the western boundary of the state;
- An act to appropriate a part of the 3 per cent. fund in Monroe county;
- A joint resolution of the State of Indiana relative to the White Water canal;
- An act to locate a state road in Dearborn county;
- An act to locate a state road from Morgantown in Morgan county to Indianapolis;

An act authorizing the county board of Madison county to change the name of the town of West Union in said county :

An act to establish a state road from Connell's mills in Franklin county through Columbia in Fayette county, in the direction of Louisville in Henry county, to intersect the Rushville and Connersville state road ;

An act to incorporate the town of Lafayette ;

An act to authorize the transfer and conveyance of certain real estate therein named ;

An act to incorporate the New Albany and Jeffersonville rail road company ;

An act for the relief of Nathan Padgett ;

An act to amend an act entitled an act to provide for the commissioning sheriffs and coroners, and to regulate their duties, approved February 7, 1824 ;

An act for the location of a state road from a point on the Ohio line near Fort Recovery to the town of Goshen in Elkhart county ;

An act to provide for the election of a justice of the peace in the town of Jentryville ;

An act to establish a state road from Spencer in Owen county, via Pleasant Garden in Putnam county to Dixon's mill in Parke county ;

An act for the relief of Powell Deans ;

An act to legalize the proceedings of the commissioners of the state road from Shelbyville to the intersection of the Indianapolis and Madison state road near Klapp's mills ;

An act to provide for the inspection of articles therein enumerated ;

An act for the relief of Joseph Raney and Philip Davis ;

An act to change part of a state road therein named ;

An act to provide for establishing a state road from Lyon's mill to Morgantown in Morgan county ;

An act for the relief of Balser Fox and others ;

An act to relocate a part of the Mooresville, Danville and Crawfordsville state road ;

An act to amend an act entitled an act to authorize the vacation of towns, approved Feb. 10, 1831 ;

An act for the relief of sundry citizens of Monroe county ;

An act to amend the act entitled an act to appropriate part of the three per cent. fund and for other purposes, approved February 10, 1831 ;

An act to locate a state road from Joab Woodruff's to Franklin in Johnson county ;

An act to amend an act entitled an act to incorporate the Ohio and Lafayette Rail Road Company, approved February 2, 1832 ;

An act to amend an act regulating the practice in suits at law ;

An act to legalize the proceedings of the school trustees of Congressional township No. 12, north of range 1 east, in Morgan county ;



An act amendatory of an act entitled an act declaring **Busseron** creek a public highway, approved January 21, 1826;

An act subjecting certain articles to sale for repairs after a certain period;

An act to change a part of the state road from Richmond in Wayne county to Ft. Payne in Allen county;

An act to locate and establish a state road from Robert Hanks' to David Gunning's in Shelby county;

An act to authorize the sale of a certain school section in Marion county;

An act for the relief of Richard L. Dickson;

An act to legalize the sale of school lands in Vermillion county;

An act declaring the true intent and meaning of the law giving justices jurisdiction in cases where executors, administrators and guardians are plaintiffs;

An act to incorporate the Indianapolis and Lafayette rail road company;

An act to establish a state road from Lexington in Scott county to the 13th mile stake in Jefferson county;

An act to incorporating the Levenworth manufacturing company;

An act to amend an act entitled an act to establish a state road from Fairplay in Green county to intersect the Vincennes state road at or near Benjamin Stafford's in said county, approved Feb. 1, 1833;

A joint resolution relative to the agent of the three per cent. fund;

A memorial and joint resolution of the General Assembly of the state of Indiana to the Congress of the United States concerning the Wabash and Erie canal lands;

Which originated in the House of Representatives.

A message from the Senate by Mr. Whitcomb a member.

MR. SPEAKER:

The Senate has passed a joint resolution relative to the distribution of copies of the act establishing a state bank and for other purposes; in which the concurrence of the House of Representatives is requested.

The joint resolution named in said message was three times read and passed.

*Ordered.* That the clerk inform the Senate thereof.

Mr. Dunning from the joint committee on enrolled bills reported that they have compared the enrolled with the engrossed joint resolution relative to the distribution of copies of the act establishing a state bank and for other purposes;

And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry it to the Senate for the signature of their President.

Mr. Howell moved the following resolution, which was read and adopted:

*Resolved*, That a committee be appointed on the part of this House to act with a similar committee on the part of the Senate to wait on His Excellency, the Governor, and inform him that both Houses of the General Assembly are now ready to adjourn *sine die*, if he has no further communications to make to them, and that the Senate be informed of the adoption of this resolution and that a similar one on their part be requested.

Whereupon,

Messrs. Howell and Brown of T. were appointed said committee.

A message from the Senate by Mr. Morris their secretary.

MR. SPEAKER:

The Senate reciprocate the resolution of the House relative to waiting upon His Excellency the Governor, and inform him that both Houses of the General Assembly are now ready to adjourn *sine die*, if he has no further communication to make to them, and have appointed Messrs. McCarty and Payne of H. a committee on the part of the Senate to act with the committee appointed on the part of the House.

Mr. Howell made the following report:

MR. SPEAKER:

The joint committee who were appointed to wait upon His Excellency, the Governor, report that they have performed the duty assigned them and have received for answer, that he has no further communication for the present session of the General Assembly.

Mr. Stanford moved the following resolution, which was read and adopted:

*Resolved*, That the Senate be informed that this House has gone through the Legislative business of the present session and is now ready to adjourn *sine die*.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER:

The Senate reciprocate the resolution of the House of Representatives relative to adjourning *sine die*.

Mr. Brown of T. thereupon moved that the House do now adjourn *sine die*,

When the Speaker arose and addressed the House as follows:

GENTLEMEN—The resolution you have adopted approving my official duties as your presiding officer, has been communicated to me.

The most significant language I can command, in indication of my grateful feeling and profound acknowledgement, for this kind

expression of your approbation of my humble efforts in the discharge of the duties of the chair, will be but a poor and scanty return of the obligation I owe you, not only for this voluntary tribute of your respect, but also, for the great kindness and unwavering aid, with which you have sustained the chair, in all the various, delicate, and trying duties which have devolved upon it in the progress of our labor.

Without this aid I could hardly have expected to discharge the important duties you assigned me, with satisfaction to you, to myself, or beneficial to the public.

To have so discharged the trust reposed, as to meet your present approbation, and to have retained that confidence indicated in my election, is indeed a consolation to me above all price.

The present session has been one, involving great responsibility upon the representative, and uncommon interest with our constituents.

Whether we view the matter presented for Legislative action at the present session, in the variety of grave and important subjects presented and passed upon, or the magnitude of good or evil which must result, it will not be doubted, but the present has been the most interesting session since the organization of the State Government.

The session has been protracted equal at least to the ordinary length; but if the importance and quantity of business upon which we have been called upon to deliberate, and the amount of labor performed, be taken into view, I apprehend that it will be regarded as not having been unnecessarily protracted.

In our action upon subjects of such deep concern, involving in many instances rival and conflicting interests of highly exciting character, it should not excite surprise if warm and animated feelings should arise.

These are only the effects of zealous duty, and which become merged in that charity and spirit of compromise, so necessary to deliberative action, and which has been so happily illustrated during the present session.

Your industry and zeal in the prosecution of the interests of your several constituents; if it has at times lead you into warmth, and brought you in contact; could not fail to demonstrate that honesty of purpose, and representative duty and obligation have prompted the efforts which have been made.

Amidst the variety of opinions, and this diversity of action, nothing I am happy to believe and trust, has tended to disturb that kindly feeling and friendly intercourse which has been so much desired and so constantly cherished.

You will join with me indeed, in believing that friendly attachments have been here formed, which will continue to be a grateful source of reflection through life.

For my own part I must be permitted to say, that no time nor circumstance (while reason shall last) can obliterate the remem-



brance of that kindness and respect you have extended towards me, or the grateful obligation which is so deserving at my hands.

But I am admonished not to detain you at this time of solicitude and anxiety.

Whatever may be our attachments, and our reluctance to sever for the present, our official duties and social intercourse, other duties of a more domestic and relative character, call upon us to separate.

In doing this, I am conscious that we part as brothers—that no feeling but that of kindness and friendship will be carried hence. I pray you, gentlemen, to accept my best wishes for your safe return to your homes and your friends, and for your happiness and prosperity through life. In accordance with the determination of both Houses of the General Assembly, I now pronounce this House adjourned *sine die*.

And then the House adjourned *sine die*.

ALBERT S. WHITE.

*Clerk of the House of Representatives.*







# APPENDIX (A.)

---

HOUSE OF REPRESENTATIVES;

SATURDAY, *December 7, 1833.*

---

## REPORT

OF THE

**AUDITOR OF PUBLIC ACCOUNTS.**

---

AUDITOR'S OFFICE,

INDIANAPOLIS, December 7, 1833.

TO THE HON. NATHAN B. PALMER,

*Speaker of the House of Representatives:*

SIR—You will please lay the enclosed documents before the House of Representatives. Document A, is the annual report of the Auditor of receipts and expenditures; document B, a table exhibiting the 1st, 2d and 3d rate lands assessed in each county in the state for the year 1831, 1832 and 1833.

Document C, is a statement in tabular form of the number of acres assessed in each county in the state for 1833; the number of acres that *should* have been assessed according to the tract books of the Auditor's office, also, the number of acres that will be taxable in 1834 and 1835, according to the tract books of Auditor's office.

I am very respectfully, sir,

Your obedient servant,

MORRIS MORRIS, A. P. A.

HON. N. B. PALMER,

*Speaker of the House of Representatives.*

(A.)

AUDITOR'S OFFICE, DECEMBER 7th, 1833.

In obedience to the act entitled "an act concerning the Auditor of public accounts and Treasurer of state," the Auditor submits the following report of receipts and expenditures on account of the state of Indiana, from the 5th of Dec., 1832, to 30th of Nov. 1833, both inclusive.

There was remaining in the Treasury on the 6th of Dec. 1832, provided all claims audited to that date were paid					31,450 73
Since that period there has been rec'd at the Treasury on account of the revenue unpaid for					
			1823,	163 40	
Received	"	"	1825,	675 91	
"	"	"	1831,	111 00	
	For collect. of revenue for 1832,			32,408 79	
"	"	"	1833,	7,399 01	40,758 11
<hr/>					
"	From sales of Michigan R. L.			56,765 37	
"	"	Agent of state for town of Indianapolis		6,226 02	
"	"	Sales of Seminary Lands		3,010 10	
"	"	Borrowers of Seminary funds (refunded)		10,685 38	
"	"	Interest received from loans of Seminary funds		1,856 37	
"	"	Estates without heirs		51 82	
"	"	Agents of salt springs		238 14	
"	For conscientious fines			90	
"	From superintendant of state prison			700 00	
"	For contingent fund refunded			55 00	
"	"	Sales of mortgaged lands		122 00	
"	"	Interest of Indianapolis fund		720 17	
"	"	Loans of Indianapolis fund refunded		950 00	81,381 27
<hr/>					
Making the amount of receipts					\$153,590 11
Since the above period there has been audited for public printing, stationary and distributing laws, &c.					5,931 02
For the expenditures of the last General Assembly, including pay of members, clerks and doorkeepers.					16,955 69
For salaries of executive officers				2,450 00	
"	"	Prosecuting attorneys		1,087 97	
"	"	Supreme and president judges		8,030 57	
"	"	Probate judges		2,086 50	
"	"	Adjutant and qr. master generals		100 00	
On account of State College				2,332 58	
"	"	State Library		248 37	
"	"	State Prison		912 25	
"	"	Wabash and Erie canal		120 00	
"	"	Michigan road		51,472 73	
"	"	Seat of government		536 00	

On account of	Specific appropriations	1,448 33
"	" " Superintendants of salt spring re- serves	25 00
"	" Wolf scalps	842 00
"	" Loans of Seminary fund	8,675 50
"	" Treasury notes burnt	4 00
"	" Presidential election	318 24
"	" Contingent fund	794 62
"	" State House	12,074 73
"	" Loans of Indianapolis funds	17,306 00

Making the total amount of expenditures \$136,846 32

From \$151,590 11 (the receipts) take \$136,846 32 (the expenditures) and their remains in the Treasury on the 1st day of Dec. 1833, the sum of \$16,743 79.

The amount of assessments for the present year is \$49,789 49 from which, after deducting delinquencies and expenses incident to the collection of the revenue, there will probably be realized \$41,800.

Respectfully submitted,  
MORRIS MORRIS, A. P. A.



(B.)

A TABLE showing the variation of the assessments of 1st, 2d, and 3d rate lands in 1831, 1832 and 1833.

Names of Counties.	LANDS TAXABLE IN 1831.			LANDS TAXABLE IN 1832.			LANDS TAXABLE IN 1833.			REMARKS.
	1st rate. Acres.	2d rate. Acres.	3d rate. Acres.	1st rate Acres.	2d rate Acres.	3d rate Acres.	1st rate Acres.	2d rate Acres.	3d rate Acres.	
Allen	5,112	2,861	223	6,079	7,780	33	5,809	12,310		
Bartholomew	6,167	41,417	4,260	11,773	28,275	5,197	11,302	46,566	8,039	
Boone	80	1,634		320	1,516	160		2,450	160	
Clark	13,582	64,899	97,006	12,726	68,203	102,641	12,144	68,416	106,071	
Clay	992	4,079	320	1,324	3,259	568	905	3,939	854	
Crawford	85	10,654	16,801	60	8,602	19,483	2	6,883	22,105	
Carroll	4,161	1,719		6,210	5,416		1,486	14,762		
Cass							825			
Clinton					318		2,576	8,038		
Dearborn	9,768	59,421	126,359	11,308	39,744	1,297	8,953	37,287	135,067	
Decatur	5,621	71,364	330	2,468	74,750	620	2,562	76,816	600	
Daveiss	5,631	38,574	16,147	4,841	33,280	16,617	5,755	43,172	21,991	
Dubois	664	14,777	4,338	153	14,212	4,250	311	15,172	5,044	
Delaware		2,840		1,280	4,237		1,086	5,951	136	
Elkhart										
Fayette	1,841	69,914	47,399	10,024	78,092	29,660	10,455	68,461	37,817	
Floyd	3,152	25,377	36,206	4,239	23,428	34,617	4,163	24,368	34,567	

Franklin	8,549	75,234	44,222	9,102	86,315	34,738	9,013	86,952	36,173
Fountain	22,285	18,332		20,518	46,118	320	33,376	54,678	160
Gibson	15,120	37,799	26,146	15,050	39,586	26,279	14,938	41,899	25,313
Green	1,139	17,910	13,640	1,940	18,294	11,351	461	20,685	14,268
Grant				1,649	146				
Hamilton	6,879	17,686		6,250	20,465		8,372	21,010	
Harrison	1,335	29,181	137,040	1,682	31,181	134,735	1,589	30,395	135,321
Hendricks		27,655	160		32,045			42,479	
Henry	468	44,894	10,110	2,760	61,374		7,086	60,621	158
Hancock	2,062	4,963	160	3,992	7,982	80	6,532	10,237	
Jackson	686	42,681	16,937	324	43,486	19,771	68	51,988	23,731
Jefferson	4,719	62,619	69,542	2,892	61,918	67,679	5,335	63,755	72,377
Jennings	422	33,346	18,466	422	33,346	18,257	279	31,932	17,998
Johnson	9,613	25,244	479	8,752	31,985	680	7,642	45,336	480
Knox	1,551	53,374	87,696	935	45,186	96,832	833	42,696	94,177
Lawrence		57,581	53,189	8,984	60,573	50,127	6,932	54,610	60,466
Lagrange									
La Porte									
Madison	2,137	6,502		181	11,654		1,099	13,390	
Marion	5,792	57,880	4,501	7,577	66,982	6,489	6,325	80,132	10,814
Martin	6,105	12,706	3,804	7,819	12,295	2,766	6,098	11,465	1,920
Monroe	1,637	32,990	26,608	1,192	29,720	22,207	3,935	42,686	37,572
Montgomery	16,365	48,485	160	21,770	60,449	772	19,183	78,404	3,620
Morgan	4,556	31,849		5,218	35,293	2,659	6,451	37,124	5,800
Orange	33,030	56,655		58,803	31,306	1,214	80	30,929	58,318
Owen	4,228	18,090	17,312	3,497	13,332	24,342	4,252	15,138	25,216

Perry	7,086	11,212	8,060	8,562	9,786	8,555	8,563	9,786	8,553
Parke	1,930	65,347	5,176	990	81,225	2,467	6,740	78,114	2,553
Pike	2,376	22,919	3,370	2,470	26,218	2,760	2,571	26,945	3,079
Posey	2,206	48,793	38,742	5,736	55,541	32,181	2,985	45,145	39,434
Putnam	3,530	49,175	1,560	2,699	61,839	1,668	1,679	167,780	1,895
Randolph	240	25,159	22,700	240	25,316	22,829	240	24,469	25,996
Ripley		13,854	43,978		19,863	45,950	16,004	58,983	74,987
Rush	160	125,374	1,831		148,308	2,316		143,429	2,270
Scott	590	38,100	9,035	675	41,187	8,533	675	42,109	9,469
Shelby	791	65,704	3,421	2,045	75,798	5,152	2,171	83,579	4,707
Spencer	9,860	16,495	16,077	5,480	17,173	16,893	7,662	14,698	17,760
Sullivan	2,782	40,137	15,785	3,294	42,677	19,062	2,757	36,100	22,588
Switzerland	6,242	70,843	22,143	5,872	74,450	22,327	5,378	78,795	22,569
St. Joseph	9,118	10,866	1,453	12,256	15,318	1,919	15,585	30,149	1,378
Tippecanoe	1,724	64,874	21,989	1,275	65,795	31,653	1,240	64,828	32,976
Union	8,449	10,157	11,543	8,566	10,459	11,864	8,598	11,800	10,395
Vanderburgh	2,900	36,076	3,083	2,578	37,975	2,930	758	44,948	1,194
Vermillion	39,998	51,992	1,146	38,994	52,792	1,207	33,947	58,743	573
Vigo	2,630	25,353	310	2,593	25,644	360	2,839	26,812	290
Warrick	913	61,339	101,606	156	64,114	92,297	773	58,040	103,543
Washington	6,375	87,929	124,284	5,230	86,397	126,981	5,472	84,953	132,937
Wayne	4,991	808		4,595	2,652		9,414	7,131	80

The foregoing table is correct.

MORRIS MORRIS, A. P. A.

December 7, 1833.



(C.)

A TABLE exhibiting the number of acres of land assessed in each county for the year 1823—the number subject to taxation according to tract books of Auditor's office—the deficiency or excess in each compared with the tract books—and the additional lands to be taxed for the first time in 1834-5; with their totals for those years. Reported in obedience to a joint resolution of the last General Assembly.

Counties.	Number of acres assessed for 1823.	Number of acres exclusive of school sections, on tract book to be taxed for 1833.	Deficiency in assessments for 1823.	Excess of assessments for 1823.	Additional lands to be taxed in 1834.	Total of lands subject to taxation in 1834.	Additional lands subject to taxation in 1835.	Total of lands subject to taxation in 1835.	REMARKS.
Allen,	18,120	18,400	280		3,135	18,400	792	18,400	School sections and canal lands not in this calculation.
Bartholomew,	65,908	72,048	6,140		1,597	75,183	792	75,975	
Boone,	3,61	2,595		0,105		4,132	7,092	11,134	
Clark,	186,631	295,618		6,365	887	296,504	1,520	298,776	Clark's grant containing 150,000 acres lies in these three counties, but what portion in each is not known as there is no return of it to Auditor.
Floyd,	63,098								
Scott,	52,253				640	7,114	3,554	10,658	
Clay,	5,758	6,474	716		80	31,163	318	31,481	Without canal and school lands.
Crawford,	28,990	31,083	2,093		5,794	27,181	5,244	32,425	
Carroll,	16,248	21,387	5,139			7,360		7,360	
Cass,	825	7,360	6,535		17,330	28,037	13,426	41,463	Without canal, school or Michigan road lands.
Clinton,	10,615	10,657	42		1,177	182,916	1,140	184,056	
Dearborn,	181,307	181,739	0,432		2,320	87,578	1,513	89,091	
Decatur,	79,979	85,258	5,279		580	63,881	2,085	65,966	
Daviess,	70,918	63,301		7,617	160	17,792	320	18,112	
Dubois,	20,528	17,632		2,896		11,766	4,096	15,802	
Delaware,	7,173	9,491	2,318		2,975				

Lands first sold in 1839.  
Taxable in 1835.

Lands first sale of, in  
829. Taxable in 1835.  
Michigan road lands  
lie principally in this  
county and U. S. lands,  
taxable in 1835.

Elkhart,	116,733	115,901	832	1,245	117,146	334	117,470
Fayette,	132,140	130,576	1,564	1,467	132,043	1,125	133,168
Franklin,	88,214	86,706	1,518	2,786	109,492	15,957	124,749
Fountain,	82,150	87,454	5,304	1,867	89,321	1,946	91,267
Gibson,	35,414	42,408	6,994	180	42,588	1,461	44,049
Greene,		3,315	3,315	1,523	4,838	1,248	6,118
Grant,	29,382	28,603	546	2,168	31,004	1,785	32,789
Hamilton,	167,305	184,874	17,569	2,159	187,033	2,036	189,069
Harrison,	42,479	43,548	1,068	6,690	50,238	7,935	58,173
Hendricks,	67,865	74,362	6,499	8,608	83,970	12,937	96,907
Henry,	16,769	18,539	1,770	4,485	23,024	5,115	28,139
Hancock,	75,787	79,391	3,604	1,247	80,638	1,453	82,091
Jackson,	141,468	147,589	6,121	785	148,374	1,455	149,829
Jefferson,	50,209	57,333	7,124	1,036	58,369	576	58,945
Jennings,	53,458	51,894	1,564	8,252	60,146	3,205	63,351
Johnson,	137,706	151,261	13,555	1,397	152,658	1,864	154,522
Knox,	122,009	117,352	4,657	1,304	118,656	3,985	122,641
Lawrence,							
Lagrange,							
Laporte,	14,489	15,582	1,110	5,486	21,045	4,813	25,858
Madison,	126,287	126,655	368	7,899	134,554	7,617	142,171
Marion,	19,483	16,998	2,485	80	17,078	324	17,402
Martin,	84,193	74,483	9,710	1,436	75,919	3,219	79,138
Monroe,	101,208	98,397	2,902	2,283	120,590	26,701	147,291
Montgomery,	49,376	57,141	7,765	4,998	62,139	4,631	66,770
Morgan,							

Orange,	89,327	96,344	7,017	480	96,824	564	97,384
Owen,	44,607	49,910	5,303	2,321	52,231	1,794	54,025
Parke,	88,707	94,039	5,343	17,482	111,532	11,636	123,168
Perry,	20,904	29,863	4,959	480	20,348	957	31,300
Pike,	31,496	29,137		82	29,218	806	30,025
Poscy,	87,865	98,915	1,050	1,162	100,077	2,470	102,547
Putnam,	71,251	82,354	7,000	10,870	99,224	12,525	111,749
Randolph,	50,704	50,796	90	2,037	52,831	1,393	54,224
Ripley,	74,987	83,377	3,393	1,120	81,497	1,042	85,539
Rush,	145,493	192,542	6,843	7,773	170,315	8,596	178,911
Shelby,	93,557	85,512		6,856	92,368	4,478	97,890
Spencer,	40,120	44,748	1,628	323	45,068	2,074	47,142
Sullivan,	61,115	66,966	7,821	1,283	69,249	2,006	70,255
Switzerland,	111,742	106,788		1,107	107 45	753	108,248
St. Joseph,							
Tippecanoe,	47,112	61,010	3,898	32,621	93,631	34,590	128,221
Union,	99,014	99,536	492	80	99,616	301	99,917
Vanderburg,	30,703	32,412	1,709	236	32,648	1,611	34,259
Vermillion,	46,900	48,993	2,093	5,202	54,195	5,395	59,990
Vigo,	92,363	91,873		472	92,345	4,790	97,135
Warrick,	29,911	30,573	632	402	31,205	720	31,925
Washington,	162,362	172,787	1,425	1,430	175,217	1,680	176,897
Wayne,	223,357	224,469	5,112	2,845	231,309	3,741	235,050
Warren,	16,625	16,837	212	12,016	28,858	17,944	46,797
Totals	1,328,966	4,562,712	220,757	106,128	4,757,795	274,550	5,032,345

{ Lands sold in 1833  
Taxable in 1835.  
Michigan road land  
in this county.



By reference to the above table it will be seen, that the number of acres of land *assessed* in the state of Indiana for the year 1833, is 4,328,906. From this should be deducted at least 300,000 acres for non-resident lands returned to school commissioners, and delinquent lands arising from *double* and *illegal* assessments, on 100 000 acres of which no tax will be paid—which will leave 4,228,906 acres upon which taxes will be paid for 1833.—The number of acres that should have been assessed in the state for 1833, according to the tract books of the Auditor's office, exclusive of school, canal, and Michigan road lands, is 4,503,712—from which deduct the assessments (4,228,906) and there are 274,806 acres on which no taxes will be paid this year.

This calculation does not include such school lands as have been sold to individuals. The Auditor has not the means of ascertaining what amount of these lands have been sold—nor can he until it is made the duty of the school commissioner of each county to furnish him with a report of his sales. Nor does it include such of the Michigan road and canal lands as have been sold, these have never been assessed, owing perhaps to an opinion entertained by some that purchasers of *state* lands are entitled to five years exemption from taxes as are the purchasers of the United States lands, and that lands purchased of the state on a credit, are not taxable until *final* payment be made. If this construction of the law be correct, a great portion of the canal lands will not, in all probability, be taxable until 1847.

According to the tract books of the Auditor's office, as will be seen by reference to the *fifth* column in the foregoing table, there will be in 1834, 251,083 acres of land taxable for the first time. These added to the amount taxable in 1833, make 4,757,795 acres.

In 1835 there will be taxable, for the first time, 274,550 acres of land, which added to the amount taxable in 1834, make the total amount of lands subject to taxation in 1835. 5,032,345 acres, exclusive, as before mentioned, of school, Michigan road and canal lands.

All of which is respectfully submitted,  
MORRIS MORRIS, A. P. A.

December 7, 1833.

(B.)

---

*To the Hon. N. B. Palmer, Speaker of the House of Representatives:—*

SIR—Permit me, through you, to lay before the House of Representatives my report, with the accompanying documents, of the operations on the Michigan Road since my last report.

I am respectfully yours,

With sentiments of respect, &c.

WM. POLKE, C. M. R.

December 23d, 1832.

---

The Commissioner appointed by the General Assembly, to superintend the construction of the Michigan Road, begs leave to  
**REPORT:—**

That on the 18th day of May last, having previously advertised the same, he commenced at the town of Madison, in letting out the improvements at public sale, of such miles and parts of miles as, in his opinion, would be most beneficial to the road, and make the whole as near as practicable, equally passable; and continued on the sales from day to day, until the 12th of June, on which day he held the last sale at Michigan City.

From the situation of the contracts let last year, the work not being in that state of forwardness that was desirable in order to let further contracts, but few contracts were taken north of Logansport.

After arranging the accounts of the public sales, the Commissioner proceeded to farther examine the road, and enter into such private contracts as would, in his opinion, best forward the work. After putting such parts of the north end of the road under contract, he again returned south to Madison, and on the 22d of August commenced selling such further improvements as the funds at his disposal would seem to justify; and where from the nature of the improvements, they could not be described with sufficient accuracy for a public sale, private contracts were entered into, on such miles and parts of miles, as most required to be further improved, between Madison and Logansport; the Commissioner being desirous, if practicable, to have had the whole road made passable the present season, and especially, to have the smaller streams bridged, with good and substantial frame bridges, which he has the pleasure of informing the General Assembly, are generally

completed; so that, from Madison to lake Michigan, all the streams that were serious obstructions to travellers, are bridged, with the exception of White river, Wabash, Eel river, and Tippecanoe, and it will be for the General Assembly to determine, whether it will be more conducive to the public interest, to draw on the remaining part of the lands for the bridging of those streams, or to further improve the other parts of the road, by continuing the turnpiking and grading already commenced, and in some places in a state of progress which bids fair, so soon as the same becomes sufficiently settled, to make a good and passable road at all seasons.

From the length of the road, and demand for laborers on other public works, together with the unfavorable weather in the latter part of the season for making speedy progress, but few of the contractors have completed their contracts. Many, from the nature of their contracts, through marshes, have been able to make but little progress.

The General Assembly will determine what further indulgence would be proper to extend to contractors.

The Commissioner has been in the practice of issuing the scrip to contractors as their work progressed, to enable them to go on with their contracts, although by the law and the terms of the contract, he was not bound to issue any until the work was completed; but in many cases the work would have been stopped without such partial issues.

The Commissioner, on the first day of November, (on which day the contracts were to have been completed,) commenced at lake Michigan an examination of the road to the Ohio river; and found it necessary to measure the whole road, and ascertain the elevation of the hills, to have them graded with accuracy; and for the further purpose of observing the progress of contractors, and to determine where and what further improvements were most needed for the ensuing year.

From the press of business the Commissioner has had to attend to, in arranging and preparing the materials for his report, he has been unable to transcribe and arrange the field notes and observations then taken and made; but it is confidently believed they will contain much information, that will be useful to the Commissioner who may be elected and have the superintendence of the road hereafter.

PAPER A. herewith submitted, shows in tabular form, the amount of contracts entered into at the *public sales*, from Madison to Logansport, with a summary description of the improvements on each mile or contract, the amount of scrip issued on each contract, and the amount retained until the contracts shall have been completed.

PAPER B. is a similar description of the *private contracts* entered into on the same part of the road.



PAPER C. is a similar description of the public contracts, between Logansport and Michigan City.

PAPER D. is a similar description of private contracts on the same.

By a reference to these papers it will be seen, that contracts were entered into at the public sales between Madison and Logansport, to the amount of \$32,586 50, and at private sales, to the amount of \$1,956 75, and that scrip has been issued on the contracts at public sale to the amount of \$18,276 44, and at private sale to the amount of \$3,194 75, leaving a balance on the contracts between Logansport and Madison, to be issued, amounting to \$5,172 06.

PAPERS C. and D. will shew the amount of contracts entered into, between Logansport and lake Michigan, with the amount of scrip issued thereon, and the amount remaining, &c. By which it will be seen that the whole amount of public and private contracts north of Logansport is \$17,204 50.

Scrip issued thereon,	-	-	-	\$11,272 58
-----------------------	---	---	---	-------------

Scrip remaining to be issued,	-	-	-	5,931 92
-------------------------------	---	---	---	----------

By a comparison of the amount of contracts entered into, with the law under which the Commissioner acted, it will be seen that he has again exceeded the amount he was authorised to expend south of Logansport, and that he has not contracted for the full amount authorised by law north of that point. He was induced to pursue this course from the anxiety of the public, to have the road made passable at all seasons, and in a state of as much forwardness as possible.

From failure of the completion of last year's contracts, it was found impracticable to have more done this year than has been done; but the Commissioner has the satisfaction of informing the General Assembly, that the contracts of last year are in such a state of forwardness, that the northern part of the road is opened throughout its entire length; and from the rapid improvements of that part of the State and the crowd of emigrants passing the road, the time has arrived when improvements on the north end, can be advantageously prosecuted, and are much needed.

PAPER E., is a register of the scrip yet remaining to be issued on the contracts of last year.

The \$131 00 on miles 76, 88, and 96, North of Madison, was on contracts rescinded with the consent of contractors, and more beneficial contracts were entered into on said miles the present year.

By the 4th section of the supplemental act, approved January 30th, 1833, the N. E. quarter and N. E. fraction of each section were directed to be sold for cash only, until the full amount due to the State Treasury from the Michigan road fund should be fully paid. In the month of July, the Treasurer of State notified the Commissioner, that the State debt was fully paid; and in order to render due justice to all the citizens of the State, he

had a notice published in each newspaper printed in the State of Indiana, that on the 2d day of September ensuing, all lands could be purchased with scrip, thereby giving an opportunity of applying for those lots which had been reserved for cash only.

The sales of the lands at the office opened by the Commissioner, for the entry of the Michigan road lands, have exceeded his most sanguine expectations.

By a reference to each quarter's return it will be seen that sales have been gradually increasing, through each successive quarter, until the commencement of the inclement weather, a few weeks past.

PAPER F., will shew the number of acres sold in each quarter, by which it will be seen there have been sold since the last report, to wit:—26th November 1832, up to the 3d December 1833,—36,195 acres, amounting to \$45,618 75.—By deducting the number of acres sold, from the quantity unsold at the time of last year's report, it will leave a balance of 65,004 33-100 acres for the further improvement of the road, subject however to the scrip unredeemed, and some few outstanding claims of Printer's bills, &c. and the pay of the Commissioner, and Secretary, Auditor and Treasurer of State, which are to be paid from the road fund.

PAPER G., will show the amount of expenses incurred and paid this year, for stationary, clerk's hire, printers bills, surveyors and other incidental and unavoidable expenses.

From the nature and extent of his public duties, requiring the whole of his time and attention on the road, he has been under the necessity of having a clerk constantly at the office, to attend to the sale of lands, and making out and forwarding the quarterly returns of the register of certificates, to the Auditor, Treasurer and Secretary of State, which by law is made his duty.

He has issued scrip for clerk's services at the office, to the amount of \$195, up to the last day of September; since which time he has made no charge for clerk's hire at the office. This subject he respectfully refers to the attention of the General Assembly, as the \$750. allowed by the existing laws, for clerk's hire and other incidental expenses, has been found insufficient to meet the unavoidable expenses which the Commissioner has been compelled to incur in the discharge of the various and complicated duties of his office.

There yet remain to be selected two sections of land, to complete the entire Road Grant. The Commissioner opened a correspondence with the Surveyor General, of the U. S. for the States of Ohio, Indiana and Michigan Territory, who replied, that the business was not under his control, but suggested the propriety of waiting until the surveys of U. S. land were completed in the district from which the selections were to be made; with which view of the subject the Commissioner concurs.

In conclusion, the Commissioner would respectfully call the attention of the General Assembly to that part of said road that lies between the towns of Indianapolis and Greensburgh, in Decatur county, which was established on what was then called the Lawrenceburgh state road, without giving the Board of Commissioners who were organized for the remaining part of said road, any authority to take relinquishments from the proprietors of lands through which the road passed, to the extent of the one hundred feet in width, as they were authorised between Greensburgh and Madison. And as the Lawrenceburgh state road was only sixty-six feet wide, many are unwilling to leave open more than that width, to the injury of other parts of the road; and in one instance; objections were made to erecting a bridge, on the ground of its not being at the proper place, which produced a suspension of the work, and on examination of the records of Decatur county for the change of said state road it was ascertained, that no order for a change from the old Lawrenceburgh state road had been made; by the Board doing county business in Decatur county. The old road of course was the proper route, which was not opened. The Commissioner employed the County Surveyor of Decatur county, to survey the different routes, and by virtue of the discretionary power vested in him by the proviso at the close of section 17, of the act relative to the Michigan road, approved February 2, 1832; under which act he established the road as it was opened, by Solomon Turnip's house, and caused the bridge to be erected across Clifty at that place, as by the Surveyor's return, it was on the best ground, and nine rods shorter than either of the other routes.— The papers connected with this business, are recorded in the Commissioner's office, and a copy deposited in the Clerk's office in Decatur county. The originals will be filed in the office of the Secretary of State, to be preserved with the other papers concerning the Michigan road.

All of which is respectfully submitted.

WM. POLKE, C. M. R.

*December 23d, 1833.*



A.

**REGISTER of Public Contracts, for improving the Michigan Road, commencing at Madison on the 18th day of Mar., and ending at Logansport June 3d, 1833, with the amount of Scrip issued thereon.**

Number of Contract.	CONTRACTORS' NAMES.	Amount of contract.	NATURE OF IMPROVEMENTS.	Scrip issued.	Bal. due when completed.
3	Samuel Ross,	100 00	Grading hills, &c.	\$400 00	\$398 00
10	Same,	130 00	Turnpiking and grading hills,		
11	Same,	20 00	Bridge and grading hills,		
12	Same,	140 00	Six puncheon bridges and grading hills,		
14	Same,	200 00	Fifty feet frame bridge and do.	350 00	119 00
15	Same,	100 00	Grading hills and turnpiking,		
16	Same,	90 00	Thirty feet bridge, turnpiking and grading hills,		
19	Joshua Myers,	82 00	Fifty feet frame bridge and turnpiking,		
20	Same,	387 00	Hundred feet frame bridge and grading hills,	75 00	45 00
21	H. Hughes,	120 00	Turnpiking and grading hills,	70 00	29 00
22	James Blair,	99 00	Same,	150 00	23 00
24	Joseph Breeding,	48 00	Same,		
25	Same,	125 00	Turnpiking,	610 00	24 00
26	John Cobb,	259 00	Forty feet frame bridge and grading hills,		
31	Same,	134 00	Grading hills and turnpiking,	210 00	129 00
41	Same,	241 00	Fifty feet frame bridge, grading hills and turnpik,		
30	Reuben Cobb,	109 00	Puncheon bridges, grading hills and turnpiking,		
49	Same,	170 00	Turnpiking,		

229 00	Fifty feet frame bridge and grading hills,
290 00	Forty feet frame-bridge and turnpiking,
13 00	Culvert and turnpiking,
165 00	Forty-five feet frame bridge and turnpiking,
199 00	Fifty feet frame bridge and turnpiking,
12 50	Grading banks,
25 00	Same,
17 00	Drain ditch,
108 00	Raising turnpike at national road,
367 00	Hundred and sixty feet frame bridge at Fall
170 00	Grading White river hills,
47 00	Grading hills,
90 00	Grading hills and turnpiking,
294 00	Turnpiking mile,
145 00	Turnpike and drain,
75 00	Same,
63 00	Same,
124 00	Same,
120 00	Same,
100 00	Same,
94 00	Same,
46 00	Same,
168 00	Fifty feet frame bridge and turnpiking,
275 00	Turnpiking,
75 00	Same,
296 00	Same,

3,674 45 410 05

27	Sydney Williams,
29	Same,
33	Same,
48	Same,
58	Same,
59	Same,
82	Same,
83	Same,
92	Same,
96	Same,
98	Same,
100	Same,
103	Same,
104	Same,
105	Same,
110	Same,
111	Same,
115	Same,
116	Same,
117	Same,
118	Same,
119	Same,
123	Same,
127	Same,
129	Same,
130	Same,

131	Same,	50 00	Same,	250 00	266 00
132	Same,	30 00	Same,		119 00
133	Same,	68 00	Turnpiking and grading hills,		00 50
134	Same,	200 00	Turnpiking,		16 00
147	Same,	219 00	Same,		09 00
23	Thomas Hendricks,	249 00	Thirteen culverts and grading hills,		84 00
45	Same,	267 00	Two fifty feet frame bridges and do,		09 00
32	John Glass,	119 00	Turnpiking,		84 00
35	Justice M'Cune,	62 50	Forty feet frame bridge,		09 00
38	Willard B. Cobb,	100 00	Fifty feet frame bridge and grading hills,		24 00
44	Same,	66 00	grading hills and turnpiking,		45 00
40	William Martin,	149 00	Forty feet frame bridge, turnpiking and grading,		15 00
42	A. M'Connell,	84 00	grading hills,		
43	John Thompson,	69 00	Same,		
47	Thomas Chian,	24 00	Thirty feet bridge,		
50	D. Bowyer,	69 00	Turnpiking,		
51	Doddridge Alley,	15 71	grading hill,		
52	John Paul,	50 00	Same,		
53	Same,	113 00	Forty feet frame bridge and grading hills,		
54	Same,	50 00	grading hills,		
55	Same,	23 00	Three punchcon bridges,		
56	Same,	137 00	Fifty feet frame bridge, grading and turnpiking,		
60	John Allen,	83 00	Forty feet frame bridge and grading hills,		
67	Same,	167 00	Forty feet frame bridge,		
111	Same,	118 00	Turnpiking,		
121	Same,	68 00	Same,		
				157 75	215 25
				850 54	39 46



122	Same,	129 00	Same,	175 0	
146	Same,	178 00	Same,	160 0	
162	Same,	147 00	Fifty feet frame bridge and turnpiking,		
62	Alexander Robinson,	175 00	Turnpiking,		20 00
64	Wm. E. Midkiff,	180 00	Fifty feet frame bridge and turnpiking,		
65	Wm. H. Campbell,	69 00	Turnpiking,		
68	Same,	23 00	Grading hill,		46 00
153	Same,	174 00	Sixty feet frame bridge and raising turnpike,		
154	Same,	312 00	Turnpiking,		
72	Hill & Gilchrist,	319 00	Hundred and fifty feet frame bridge and turnpiking,		22 61
81	Same,	194 00	Eighty feet frame bridge and grading banks,		
74	A. Morgan,	44 00	Raising turnpike,	44 0	
76	B. D. Portlock,	178 00	Fifty feet frame bridge and turnpiking,	400 0	117 00
78	Same,	339 00	Hundred and sixty feet frame bridge and turn-	30 0	
79	A. Means,	30 00	Turnpiking,	83 0	
84	Wm. Griffith,	83 00	Fifty feet frame bridge and turnpiking,		
86	Garrison Williams,	89 00	Turnpiking,		
90	Same,	25 00	Same,	263 0	
91	Same,	149 00	Fifty feet frame bridge and turnpiking,		
88	James McCormack,	100 00	Turnpiking,	80 0	109 00
97	Same,	89 00	Grading hills,		
99	J. Colclaiser,	246 00	Forty feet frame bridge and grading hills,	100 0	146 00
102	John Trester,	189 00	Fifty feet frame bridge and turnpiking,	150 0	39 00
106	Wm. Miller,	14 00	Two puncheon bridges,	14 0	
197	Oliver Shirliff,	120 00	Grading hills,		
112	Same,	226 00	Fifty feet frame bridge and grading hills,		

120	Same,	43 00	Turnpiking,	697 50	20 50
137	Same,	98 00	Same,		
138	Same,	98 00	Same,		
139	Same,	133 00	Same,		
108	B. Crews,	399 00	Hundred and fifty feet frame bridge and grading [hills,		
113	Same,	330 00	Seventy feet frame bridge and grading hills,	1,417 00	37 00
149	Same,	150 00	Turnpiking,		
150	Same,	575 00	Same,		
119	Wm. A. Neville,	55 00	Same,	55 00	
124	R. G. Paris,	169 00	Double turnpiking,		
125	Same,	45 00	Turnpiking,	259 00	
129	Same,	45 00	Same,		
128	Erasmus Powel,	299 00	Same,	339 00	
135	Same,	40 00	Same,		
136	James Scott,	37 00	Same,		
140	Same,	89 00	Same,	300 00	28 00
148	Same,	202 00	Same,		
141	Benjamin Patterson,	293 00	Raising turnpiking,		
142	Same,	299 00	Same,	850 00	
143	Same,	258 00	Turnpiking,		
145	Allen & Titus,	999 00	Hundred and sixty feet frame bridge and grading hills,]	846 00	152 51
151	George Vinage,	200 00	Turnpiking,	587 00	
152	Same,	387 00	Same,		
155	S. Williams & E. Powel,	270 00	Same,		
156	Same,	362 00	Same,		
157	Same,	329 00	Same,	1,524 00	311 00

158	Same,	379 00	Same,		
159	Same,	200 00	Same,		
160	Same,	295 00	Same,		
161	A. Johnston,	33 00	Grading hill and turnpiking,		33 00
		19,961 75		16,904 72	3,057 03



A.—continued.

CONTINUATION of Public Contracts, from the 22d of August to the 3d of Sept. 1833, commencing at Madison and ending at Eagle village in Boone county, with the amount of Scrip issued thereon.

Number of Contract.	CONTRACTORS' NAMES.	Amount of Contract.	NATURE OF IMPROVEMENTS.	Scrip issued.	Bal. due when completed.
4	Thomas Jamison,	48 00	Turnpiking,		
5	Same,	45 00	Same,		
6	Same,	41 00	Same,	100 00	117 00
7	Same,	45 00	Same,		
8	Same,	35 00	Same,		
9	Arnold Custer,	25 00	Same,		
13	Same,	32 00	Same,	45 00	12 00
11	Jacob Bryant,	50 00	Same,		
23	Same,	70 00	Same,	100 00	77 00
24	Same,	57 00	Same,		
14	Samuel Ross,	21 00	Same,		
15	Same,	30 00	Same,		
16	Same,	47 00	Same,		
17	Same,	80 00	Same,	100 00	169 00
18	Same,	49 00	Same,		
19	Same,	43 00	Same,		
20	Joshua Myers,	23 00	Same,		23 00
21	Jeremiah Cole,	23 00	Same,	20 00	03 00

22	James Dixon,	38 0	Same,	30 00	08 00
26	John Cobb,	24 0	Same,		109 00
25	Same,	85 0	Same,		
27	Thiriff Williams,	62 0	Same,		
29	Same,	50 0	Same,		
30	Same,	62 0	Same,		
31	Same,	91 0	Same,		
32	Same,	51 0	Same,		
33	Same,	97 0	Thirty-six feet frame bridge and turnpiking,	202 7	216 23
34	James Martin,	115 0	Turnpiking,	80 00	35 00
35	John Glas,	91 0	Same,		91 00
36	Jacob Bowyer,	98 0	Same,		93 00
37	Villard B. Cobb,	189 0	Same,	150 00	39 00
39	Joshua Cobb,	80 0	Same,	205 00	80 00
51	W. Morgan,	239 0	Ninety feet frame bridge and turnpiking,		34 00
83	Wm. Griffith,	30 0	Turnpiking,	181 00	11 00
87	Same,	165 0	Same,	45 00	05 00
89	Samuel Silvers,	50 0	Same,	50 00	99 00
101	John Trester,	149 0	Same,		
105	Samuel Fee,	63 0	Same,	60 00	26 75
106	Same,	23 7	Same,		
		2 324 75		1,371 72	1,253 03
Grand Total,		\$22,586 50		18,276 44	4,310 06

# B.

REGISTER of Private Contracts, entered into during the year 1833, for the further improvement of the Michigan Road, from Madison to Logansport.

Number of Contract.	Contractors' Names.	Amount of contract.	NATURE OF IMPROVEMENTS.	scrip issued.	Pa. due when completed.	Compl'd.
102	John Sering,	3778 00	Improvement of Madison hill, frame	778 00		compl.
12	Jacob Bryant,	80 00	Turnpiking one mile, [ bridge, &c	80 00	\$35 00	do.
14	Samuel Ross,	35 00	Stone pillars for bridge,		75 00	
20	Joshua Myers,	75 00	Same,		05 75	
21	Henry Hughes,	15 75	Turnpiking,	10 00	23 25	
22	James Blair,	23 25	Same,		18 00	
24 and 25	Joseph Breeding,	18 00	Same,	33 00		
26 and 27	James Davis,	33 00	Grading hills,		07 50	
34	Justice M'Cune,	07 50	Improving bridge, &c.	50 00	75 00	
45	Thomas Hendricks,	125 00	Filling creek and turnpiking,	30 00	20 00	
63	A. Robinson,	50 00	Turnpiking,	71 00		do.
72 and 81	Hill & Gilcrease,	71 00	Improving bridges, &c.	13 00		do.
74	Lewis Morgan,	13 00	Bridge, &c.	70 00	20 00	do.
76, 77 and 78	B. D. Portlock,	90 00	Turnpiking,	20 00		
78	W. Doble,	20 00	Bridge and turnpiking,	20 00	17 00	
86	Garrison Williams,	34 00	Turnpiking, &c.	17 00	50 00	
89, 90 and 91	Robert Patterson,	137 75	Improving turnpiking, bridges, &c.	137 75		
96	Isaac Fisher,	400 00	Bridge at Fall creek,	350 00		
107	Caleb Richards,	10 00	Turning creek from road,	10 00		do.



108	George Dye.	40 00	Improving bridge at Eagle creek,	40 00	do.
61 and 62	W. J. & I. Paul,	25 00	Widening turnpike, (last year's con-	25 00	do.
104, 109, 110 and	Sydney Williams,	215 00)	[tract,		
111]	Same,	50 00	Turnpiking, &c.	250 00	90 00
121 and 122	Same,	75 00)			
121 and 122	John Allen,	125 00	Bridge,	150 00	20 00
146, &c.	Same,	45 00	Turnpiking, &c.		12 00
124 and 125	R. G. Paris,	12 00	Draining pond, &c.		
130 and 148	J. Scott,	45 00	Bridging swamp and turnpiking,	30 00	15 00
130	— Thomas,	50 00	Draining ditch,	30 00	20 00
137, 138 and 139	Oliver Shirdiff,	120 00	Turnpiking and drain,	100 00	20 00
145	Allen & Titus,	500 00	Wildcat bridge,	500 00	
149 and 150	Philip Cruse,	20 00	Turnpiking,		20 00
151 and 152	George Vinage,	50 00	Same,		
153 and 154	Wm. H. Campbell,	20 00	Improving turnpike,	50 00	
155	Williams & Powel,	115 75	Improving turnpike and drain,	20 00	
156	Same,	212 50	Double turnpike and drain,		
157	Same,	120 25	Improving turnpike and drain,	400 00	248 50
158	Same,	75 00	Same,		
159	Same,	75 00	Same,		
160	Same,	50 00	Same,		

Total, \$4,056 75

\$3,194 75 \$862 00

**NOTE**—On contracts of last year, deduct on mile 76th A. Robinson, \$74 00; do. on 88th, John Walker, \$34 00; do. 98th, James M'Cormack, \$76 00.

These contracts were rescinded by the Commissioner, so far as they were completed, by consent of the contractors, as more beneficial improvements were contracted for this year.

C.

REGISTER of Public Contracts, for the improvement of the Michigan Road, north of Logansport, commencing the 3d day of June, 1833, and ending on the 12th of the same.

Number of Contract.	Contractors' Names.	Amount contract.	NATURE OF IMPROVEMENTS.	Scrip issued.	Bal. due when completed.
1	William Scott,	469 00	orty feet frame bridge and grading hills,		\$469 00
2	Williams & Powel,	144 00	urnpiking and draining swamp,	\$099 00	142 68
3	Same,	88 00	Same,	55 00	
4	Alexander Wilson,	55 00	aising turnpike with sand,		
6	Wm. De Moss,	285 00	Same,	182 20	497 80
7	Same,	395 00	Same,	395 00	
18	Benjamin Patterson,	395 00	urnpiking,		
20	ohn Allen,	136 00	Same,		136 00
21	Wm. H. Campbell,	95 00	Same,		95 00
22	ohn Lindsey,	135 00	aising turnpike and draining marsh,	135 00	
24	Jacob Bozarth,	247 00	Same,	161 00	86 00
26	Wm. A. Hall,	59 00	Same,		
27	Same,	160 00	grading hills,		
28	Same,	100 00	Same and turnpiking,	200 00	231 00
29	Same,	53 00	urnpiking,		
30	Same,	59 00	Same,		
31	George Clymer,	289 00	Same,		
34	Same,	299 00	Same,	537 35	50 65



33	John Sailor,	117 00	Same,			
40	Same,	48 00	Grading hills,			
88	Same,	24 00	Turnpiking,		391 00	10 00
89	Same,	30 00	Grading hills,			
96	Same,	39 00	Same,			
101	Same,	100 00	Same,			
102	Same,	43 00	Grading hill,			
39	Samuel D. Tabor,	170 00	Raising turnpike and draining marsh,		150 00	20 00
67	Humphrey Hildreth,	40 00	Raising turnpike,		107 00	
69	Same,	67 00	Same,		149 00	
68	Hiram Dayton,	149 00	Same,			63 00
72	Wm. H. Cushman,	63 00	Grading hills,			
73	Jacob Rush,	98 00	Same,			
74	Same,	79 00	Same,			
75	Same,	84 00	Raising turnpike,			
77	Same,	75 00	Turnpiking,		496 90	183 10
79	Same,	44 00	Same,			
80	Same,	260 00	Turnpiking and draining marsh,			
81	Same,	40 00	Grading hills,			
76	N. Teal,	467 00	Raising turnpike,		765 00	
94	Same,	298 00	Same,			50 00
85	James Webster,	50 00	Same,			
91	D. Dinwiddie & Co.	250 00	Forty feet frame bridge and raising turnpike,			
92	Same,	240 00	Grading hills,		886 00	32 00
93	Same,	428 00	Turnpiking and draining ditches,			

93	Judah Leming,	115 00	Turnpiking and grading bills,		
95	Same,	67 00			
97	Samuel Miller,	369 00	Same,		
99	Wm. Bond,	196 00	Same,		
100	A. M'Clure,	87 00	Same,		
Total, \$7,690 50					
				Total, \$5,477 72 \$2,122 78	

**D.**  
**REGISTER of Private Contracts, for the improvement of the Michigan Road north of Logansport during the year 1832.**

Number of Contract.	CONTRACTORS' NAMES.	Amount of Contract.	NATURE OF IMPROVEMENTS.	Scriptured	bal. due when completed.
2	George Smith,	\$22 50	Straightening road,	\$22 50	\$
5	Jacob R. Hall,	250 00	Raising turnpike and drain marsh,	300 00	210 00
19	Same,	260 00	Turnpike and drains,	40 00	10 00
9	Peter De Moss,	50 00	Raising turnpike,		
12	C. Polke, Jr.	300 00	Raising turnpike and draining marsh,		
13	Same,	300 00	Same,	50 00	750 00
20	Same,	200 00	Turnpiking and drains,		
15	Alexander Wilson,	300 00	Raising turnpike and draining marsh,	172 76	627 24
16	Same,	300 00	do.		
17	Same,	200 00	do.		
18	E. Patterson,	175 00	Doubling turnpike,	60 00	115 00
22	John Lindsey,	32 00	Raising turnpike,	32 00	
24	Jacob Bozarth,	40 00	Grading bank and raising turnpike,	15 00	25 00
25	William Allen,	200 00	Raising turnpike and drain,		
S. of Tip. 26	Same,	100 00	Grading banks and turnpiking,	300 00	
N. of Tip. 26	Wm. A. Hall,	50 00	Raising turnpike,		
98	Same,	60 00	Forty feet bridge and turnpiking,		



30	Same,	75 00
32	John Sailor,	60 00
33	Same,	43 50
97	Same,	08 50
101	Same,	50 00
34	George Clymer,	100 00
35	George Caldwell,	115 00
36	Same,	115 00
37	P. Eccleston,	140 00
42	Mr. Outerhouse,	05 00
43	Alexander Chamberlin,	236 25
44	Same,	168 00
45	Same,	410 00
50	Same,	171 00
46	J. & I. Rush & Co.	275 00
47	Same,	275 00
57	Same,	310 00
80	Same,	80 00
48	D. Dinwiddie & Co.	270 00
49	Same,	133 00
53	Same,	200 00
51	Same,	80 00
55	Same,	190 00
58	Same,	160 00
59	Same,	300 00
60	Same,	315 00

  

Same,	75 00
Same,	60 00
Same,	43 50
Improving causeway,	08 50
Turnpiking,	50 00
Double turnpiking,	100 00
Furnpiking,	115 00
Same,	115 00
Same,	140 00
Filling mad hole,	05 00
Forty-two feet frame bridge and turnpiking,	236 25
Turnpiking, &c.	168 00
Same and drain ditches,	410 00
Same,	171 00
Raising turnpike and drain ditches,	275 00
Same,	275 00
Same,	310 00
Same,	80 00
Turnpiking and raising,	270 00
Improving bridges,	133 00
Turnpiking, &c.	200 00
Same,	80 00
Same,	190 00
Same,	160 00
Same,	300 00
Same,	315 00

  

142 00	20 00
60 00	40 00
127 35	102 65
70 00	70 00
05 00	
333 25	652 00
473 09	466 91
1,568 06	100 00

64	Same,	20 00	Grading hills,	180 00	150 30
51	Vard Blake,	164 00	Turnpike and drains	927 00	72 34
52	Same,	150 00	Same,	57 00	08 00
65	Same,	16 00	Improving causeway,	11 00	
56	Pleasant Harriss,	100 00	six hundred and sixty feet frame bridge,	06 00	
61	John Henson,	65 00	Turnpiking and drain,	20 00	
68	iram Dayton,	11 00	Improving turnpike,	411 00	50 00
69	Lumphrey Hildreth,	06 00	Drain ditch,	12 70	190 00
74	Yaron Miller,	29 00	Grading hills,	93 50	
75 and 76	John Dickey,	161 00	Turnpiking,	70 00	
88 and 89	Alex. Blackburn,	100 00	Grading hills and turnpiking,	60 00	20 00
93	Vilson Malone,	12 70	Improving turnpike,	40 00	20 00
94	A. S. Morrison,	93 50	Improving causeway,	75 00	
99	William Bond,	70 00	Grading oaks,		
99 and 101	Samuel Miller,	80 00	Raising turnpike with sand,		
100	A. McClure,	60 00	Twenty-eight feet frame bridge and turnpiking,		
102	Wm. S. Clark,	75 00	Grading hills,		
Total,		\$9,604 00		\$5,794 86	\$3,809 14

**G.**

**EXPENSES** paid by Commissioner of M. Road, from Dec. 15th, 1832, to Dec. 23d, 1833, inclusive: together with his own annual salary and those of the Auditor, Treasurer, and Secretary of State, for which the Michigan Road Fund is liable.

Clerk hire, as per vouchers 155, 156, 157, 158, 166, 167, 191, 192, 205, and 212.	\$576 50	Including all travelling and other expenses on road sales—Clerk at land office
Printers' bills, as per vouchers 159, 160, 170, 171, 172, 173, 174, 182 to 190 inclusive; 200, 201, 202, and 213.	155 25	—copying letters, papers, registers, &c. for officers of state.
Stationary, as per vouchers 161, 164, 165, 193, and 203.	19 71	Printing various advertisements of sales of road and lands, blank scrip, &c. and all other printing.
Incidental and contingent expenses, as per vouchers, 168, 169, 175, 176, 177, 178, 179, 180, 195, 196, 209, 210, and 211.	290 67	Books and papers for land office, and sales of road, &c.
Surveying, as per vouchers 194, and 206—chain carrying, as per 207 and 208—postage as per 204.	157 75	Including assistants on road while selling, assistant engineer, &c.
Salary of Commissioner from Dec. 1, 1832, to Nov. 30, 1833,	800 00	Surveying from lake Michigan to Madison, to ascertain situation of contracts and the elevation of hills—postage on public documents for officers, &c.
Do. of Auditor,	50 00	Salaries payable out of road fund.
Do of Treasurer,	50 00	
Do. of Secretary of State,	50 00	
Total,	\$2,149 88	



# E.

## REGISTER of Contracts of 1832, on which scrip is not issued.

Number of Contract.	CONTRACTORS' NAMES.	Amount of Contract.
76	A. Robinson,	\$034 00
88	John Walker,	34 00
98	J. M'Cormack,	66 00
N. of Logansport.		
3	Wm. De Moss,	49 00
4, 6, 7 and 10	Silas Atchison,	191 00
5	S. Ward,	20 00
8, 9 and 14	D. Bell,	162 00
11	H. Barnett,	148 00
17, 28, 29 and 30	Wm. Scott,	53 00
18 and 19	Wm. A. Hall,	31 00
21	Jacob Bozarth,	22 78
24	Sailor & Walker,	19 00
26	John Walker,	03 00
38	C. Tabor,	13 00
52	Ward Blake,	167 00
57	J. Dickey,	72 50
61	Wilson & Judy,	03 00

Total, \$951 28

# F.

## AMOUNT of Sales of M. R. Lands from Nov. 26th, 1832, to Dec. 3d, 1833, as per Register of Certificates from numbers 869 to 1,341, inclusive.

Dates.	Number of Certificates.	Acres. Hun.	Amount.
Nov. 26th, 1832 to March 31st, 1833.	869 to 934 inclusive	4,950 16	\$6,187 70½
April 1st to June 30.	935 to 1,048 "	8,700 10	10,875 13
July 1st to Sept. 30.	1,049 to 1,217 "	12,589 18	15,736 47½
Oct. 1st to Dec. 3,	1,218 to 1,341 "	10,255 56	12,819 44

Total, 36,495 00 \$45,618 75

C.

See P-454

---

**REPORT**  
OF THE  
**COMMITTEE OF WAYS AND MEANS,**  
ON THE  
**STATE OF THE FINANCES.**

---

24

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



# REPORT

OF THE

## COMMITTEE OF WAYS AND MEANS.

---

MR. CRUME, from the committee of Ways and Means made the following report:

MR. SPEAKER,

The Committee of Ways and Means, whose duty it is to examine the offices of Auditor and Treasurer of State; the situation of the Treasury, the present and prospective state of the finances; and generally, all things touching the administration of the above offices, and connected with the fiscal concerns of the State, submit the following report: The Committee have examined the Books, papers, vouchers, warrants and the cash on hand, in the offices of the Auditor and Treasurer, and found a perfect agreement existing between them, and the duties devolving upon both of the above officers, faithfully and diligently performed.

The following abstracts numbered 1, 2, 3, 4, and 5, present a detailed view of the public finances.

Abstract No. 1, contains a statement of the assessment, collection and payment into the Treasury for the year 1833, by which it appears that the nett amount for the Treasury was \$41,938 77. That the actual payments into the Treasury up to the 1st January, inst., were \$41,827 40, which only leaves an outstanding balance of the revenue of the above year of \$117.35. The foregoing statement, will prove the efficiency of our present revenue laws, and a promptness on the part of the officers engaged in the collection of the revenue, highly creditable to them, and to the State.

No. 2, contains a statement of the receipts and expenditures of 1833, commencing the 1st January, and ending the 31st December, by which it appears that the balance in the Treasury on the 1st January 1834, was \$43,954 06.

No. 3, exhibits a list of balances due the State from collectors.

No. 4, exhibits the situation of the Treasury on the 1st January 1834.

No. 5, exhibits an estimate of the expenditures, for the year 1834, at \$42,900.

From the foregoing view of the state of the finances, it will be discovered, that the increasing expenditures of the State attributable mainly to the rapid growth and prosperity of the country are fully met by a corresponding increase of revenue, and the operations of the government may be continued safely, without any material alterations in our revenue laws.

MARKS CRUME, Chairman.

# ABSTRACT NO. 1.

Counties.	Unlisted lands, & of former Polls.	Delin' qu't- years.	Assessment with the foregoing.	Delinq'nts	Commission. orders	County	utillage	Nett Am't.	Cash rec'd.	Balance due
Allen	10 58		228 04	43 81	16 57		9 00	158 58	158 58	
Boone	1 50	12 71	192 72	19 50	115 58		1 56	156 08	156 08	02
Bartholomew	15 51	5 71	844 57	62 01	71 82		2 52	723 73	723 75	
Clark	3 19	33 01	1669 75	109 47	140 42		7 00	1,412 80	1,412 86	
Clay			191 14	9 37	16 30		3 90	161 51	72 50	89 01
Crawford	3 04		329 28	32 60	26 69		7 80	262 17	262 13	
Carroll			326 21		29 35		4 20	292 60	292 66	
Cass	6 51		162 74	16 12	13 19		4 20	129 22	129 23	
Clinton	5 72		275 50	21 71	22 85		3 00	227 92	227 92	
Dearborn	33 75	126 87	1,908 23	257 95	148 52		5 34	1,496 42	1,496 42	
Decatur			921 05	35 18	79 72		3 00	803 17	804 15	
Davies	11 18		679 59	71 60	54 71	4 01	6 60	542 54	542 54	
Dubois	75		237 58	18 09	19 15	3 41	7 70	188 63	188 63	
Deaware	5 91		245 10	29 64	19 57		3 36	194 21	194 30	
Elkhart		1 12	152 25	16 12	12 25		9 90	113 9	113 98	
Fayette	34 68	65 25	1,294 60	136 72	104 21		3 30	1,050 31	1,050 31	
Floyd	10 87	84 37	796 2	173 71	56 02		7 80	558 77	559 01	03
Franklin	29 53		1,401 80	116 79	115 65		4 20	1,165 57	1,165 57	
Fountain	25 52	110 25	1,291 74	251 65	93 61		4 50	941 9	941 91	
Gibson	4 37		875 52	28 86	76 21		9 60	760 80	760 81	



Counties.	Unlisted Delinquent lands & of former Polls.	Assessment with the foregoing.	Delinquents.	Commission.	County orders.	Mileage	Nett Am't.	Cash rec'd.	Balance due.
Green		463 49	47 37	37 45		4 44	37 42	371 23	
Grant		71 25	5 25	5 94		4 70	5 43	55 30	
Hamilton	3 37	417 29	31 94	31 68		1 32	349 35	349 53	
Harrison	10 33	1,317 45	73 85	114 62	5 69	8 00	1,145 29	1,145 29	
Hancock		310 18	21 50	25 92		1 20	261 50	261 50	
Hendricks	17 53	678 99	28 12	58 57		1 20	591 01	591 00	
Henry	7 40	1,019 07	51 87	86 77		3 30	874 13	874 13	01
Jackson	17 61	818 76	27 12	71 21		4 38	716 02	715 72	
Jefferson	13 10	1,501 08	170 50	119 75	4 48	5 10	1,201 25	1,201 25	30
Jennings		556 07	23 02	47 70		3 90	478 45	478 45	
Johnson	11 23	731 43	33 42	62 82	5 62	1 20	628 46	628 40	
Knox	28 25	1,121 55	62 17	95 34		9 00	955 01	955 04	
Lawrence		1,152 61	70 84	97 35	6 82	4 80	972 80	972 80	
Lagrange	7 50	111 09	12 37	8 87		8 70	81 06	81 06	03
Laporte	17 82	351 20	25 17	29 34		2 40	291 28	291 25	02
Madison		1,412 93	153 1	113 34	3 72		1,140 74	1,140 72	
Marion	0 20	279 41	48 94	20 71		6 00	203 80	203 80	
Martin	26 31	921 77	71 00	76 83	7 77	3 12	766 00	776 00	
Monroe	7 26	1,310 09	98 24	109 05	47 62	2 70	1,052 37	1,052 37	
Montgomery	7 12	781 98	26 84	67 96	3 37	1 80	682 05	682 05	
Morgan	20 92	882 59	50 02	74 92		6 00	751 59	751 59	
Orange	17 98								

Owen	23 12	54 78	589 37	81 92	50 60	2 10	3 18	451 57	451 57	02
Parke	28 13	2 25	1,180 62	110 83	96 28	10 05	4 50	958 96	958 94	01
Perry	10 88		385 32	19 12	32 95		9 36	323 89	323 88	
Pike	14 70		364 45	34 94	29 65		7 50	292 36	296 00	
Posey	22 50	32 68	937 53	66 52	78 39	22 32	12 00	780 62	752 75	27 87
Putnam	24 45		1,168 33	65 08	99 29		2 52	979 12	979 12	
Randolph	17 44		561 50	44 36	46 54		4 80	465 80	465 80	
Ripley	12 16		671 49	42 21	56 63	3 90	4 32	564 43	564 43	
Rush	23 03		1,674 56	70 75	144 34	9 16	2 52	1,447 79	1,447 79	
Scott	00 32		505 13	32 64	42 52	4 36	6 00	419 61	419 61	
Shelby	3 34	7 50	1,094 36	54 25	93 61		1 56	914 94	944 94	
Spencer	15 18		465 21	31 00	39 07		9 24	385 90	385 90	
Sullivan	18 40	2 25	723 16	23 75	62 96	1 96	6 12	628 55	628 56	
Switzerland			1,102 32	152 04	85 52		6 00	858 76	858 75	
St. Joseph	5 62	12 00	138 75	27 99	9 96		14 00	86 80	86 80	
Tippecanoe	26 62		953 08	94 03	77 31		3 60	778 14	778 14	
Union	2 07	19 50	1,036 49	701 37	84 10		4 75	846 21	846 21	
Vanderburgh	16 26		390 20	34 20	32 04		11 10	312 86	314 90	
Vermillion	14 71		720 49	72 70	58 20		5 40	584 04	584 04	
Vigo	9 04	59 25	1,196 67	228 68	87 12		4 75	876 13	876 13	04
Warrick	2 90		423 90	19 55	36 39	00 37	10 80	356 79	356 75	
Washington	14 53		1,513 29	16 74	134 69	33 78	6 00	1,322 08	1,322 08	
Wayne	38 24		2,386 84	158 35	200 56		3 78	2,024 15	2,024 15	01
Warren	9 19	27 38	433 61	61 85	33 45		4 80	333 51	333 50	
	769 40	633 98	50,899 39	4,227 25	4,203 93	182 58	340 76	41,938 77	41,827 40	117 35

STATEMENT No. 2.—*Receipts and Expenditures during the year 1833, commencing 1st of January, and ending 31st December.*

RECEIPTS.

Amount in Treasury Jan. 1, 1833.	\$58284 49
Receipts for taxes of 1833 as per foregoing table	41829 40
“ from balances for former years	
Clark for - - - 1823 -	100 00
Jefferson “ - - - “ -	21 00
Switzerland “ - - - 1825 -	675 91
Dearborn “ - - - 1831 -	111 00
Spencer “ - - - 1832 -	263 24
Pike “ - - - “ -	286 41
Orange “ - - - “ -	19 87
Knox “ - - - “ -	8 87
Agent for Indianapolis - - -	6201 02
Commissioner of Michigan Road -	41420 15
Superintendent of State Prison -	700 00
Commissioner of College townships	3010 10
Interest of College funds - -	1859 49
“ “ State House “ - -	774 97
Loans of College funds refunded -	10567 88
“ “ State House “ “ -	774 97
Rents of Salt Spring reserves - -	356 23
Militia fines - - - -	90
Estates without heirs - - -	28 28
	<b>\$167,741 27</b>



## STATEMENT No. 2—Continued.

## EXPENDITURES.

Legislature, pay of Members, Clerks &c.	\$16,955 69
Executive, pay of Governor, Secretary Treasurer and Auditor - - - -	2600 00
Pay of Supreme and Circuit Judges - -	8,032 81
“ “ Prosecutors - - -	1,104 01
Seat of Government expenses - -	567 13
Contingent - - - -	867 43
Specific appropriations - - - -	1,786 02
Militia - - - -	75 00
State Prison - - - -	932 12
Probate Judges - - - -	2,181 00
Wolf scalps - - - -	703 50
Michigan road - - - -	1,752 86
“ “ “ scrip redeemed	37,374 65
Printing and Stationary - - - -	5,797 90
Indiana College - - - -	2,407 58
Canal fund - - - -	124 00
Loans of College funds - - - -	8,940 50
“ “ “ State House -	19,116 00
Paid Contractor for State House - -	12,074 73
“ Sup'ts Salt Springs -	61 42
State Library - - - -	248 37
Presidential election - - - -	81 40
Treasury notes destroyed - - - -	4 00
Cash in the Treasury - - - -	\$43,954 06
	<b>\$167,743 17</b>

STATEMENT No. 3.—List of balances due the State from Collectors.

Counties.	1821	1822	1823	1824	1825	1826	1827	1828	1831	1832	1833	Total.
Allen						27 43						27 43
Clark			565 06									565 06
Clay						9 45				62 11		
Decatur								208 48				208 48
Floyd	95 93	184 59	733 84									1014 36
Jackson		224 99					84 03					309 02
Jefferson			33 74		70 18		50 89					103 92
Madison												50 89
Martin		203 92	217 19									421 11
Pike									65 75			65 75
Scott				104 32		293 05	270 33	306 00				973 74
Shelby					54 10							54 10
Switzerland							303 83					303 83

---

 No. 5—*Estimate of expenditures for the year 1834.*


---

For the Legislature	-	-	-	-	-	\$1,800
Printing and Stationary	-	.	-	-	-	500
Specific appropriations	-	-	-	-	-	1,500
Judiciary	-	-	-	-	-	9,000
Probate Judges	-	-	-	-	-	2,500
Prosecutors	-	-	-	-	-	1,250
Executive	-	-	-	-	-	2,600
Adjutant and Qr. Master Genl's	-	-	-	-	-	150
Contingent fund	-	-	-	-	-	1,000
Wolf scalps	-	-	-	-	-	800
State Library	-	-	-	-	-	100
State Prison	-	-	-	-	-	1,000
						<hr/>
						\$42,900



STATEMENT No. 4—*Shews situation of the Treasury.*

## PUBLIC DEBT.

Conscientious fines to be distributed	\$531 40
Estates without heirs	1448 73
	<hr/>
	1,980 13
<hr/>	
Amount in Treasury 1st Jan. 1834	\$43,954 06
Balances due from collectors which will probably be paid during the year 1834	1,000 00
	<hr/>
	\$44,954 06
Deduct as per contra	1,980 13
	<hr/>
Balance in favor of Treasury	\$42,973 93







# INDEX.

<i>Absence, leave of, granted to—</i>		
Messrs. Wallace, Dunn and Colerick,	-	114
Mr. Hardesty,	-	146
Mr. Huntington,	-	154
Mr. Kiser,	-	161
Mr. Woodruff,	-	190
Mr. Vance,	-	206
Mr. Davenport,	-	211
Mr. Stanford,	-	253
Mr. Davenport,	-	288
Mr. Nichols,	-	293
Mr. Crume,	-	337
Mr. Hargrove,	-	487
Committee of Ways and Means,	-	424
Mr. Davenport,	-	463
<i>Adjournment, Ayes and Noes on</i>		
56, 234, 235, 273,		
276, 276, 277, 278, 279, 280, 280,		
348, 349, 349, 350, 350, 352, 353,		
moved to here an address,	-	110
resolution on adjourning <i>sine die</i> (477)	-	346
same subject,	-	362
resolution of the Senate on the same		
subject,	-	362
resolution of the House reciprocated by		
the Senate,	-	492
House adjourns <i>sine die</i> ,	-	532
<i>Agent of State, annual report of,</i>	-	120
<i>Allen county, member from, appears,</i>	-	4
[Pctitions from]		
For a road from Fort Wayne to Ohio line,	-	71
For a road from Fort Wayne to Muncietown,	-	103
For a new county,	-	107
For and against a new county,	-	107
For a change in Circuit Court law,	-	218
On subject of a State Bank,	-	306
For the incorporation of a bridge company,	-	361
<i>Attorneys Prosecuting, time of election fixed,</i>	-	12
elected,	-	40

<i>Auditor of Public Accounts</i> , communicates his annual re-	
port,	72
certificate of, in reference to	
the collector of Fayette co.	395
communication of,	270
<i>Bank State</i> , reference of so much of Governor's message	
as relates to,	48
select committee on, appointed by the Spea-	
ker,	50
addition to the committee on,	69
bill to establish, ordered to be printed,	190
bill to establish, reported (see bills House	
of Representatives No. 96)	211
resolution to elect president and directors,	437
do. to close the doors in the election,	458
reciprocated by the Senate,	463
resolution of Senate on subject of election,	463
reciprocated by the House,	463
House proceeded to the election,	463
message from Senate on the subject,	464
do. do. do.	465
resolution to go into election for directors of,	466
reciprocated by Senate,	469
election for directors of	469
message from the Senate on election of di-	
rectors of,	471
House again proceeds to the election,	471
message from Senate do.	472
joint ballot for directors of,	472
<i>Bartholomew county</i> , member from, appears,	4

[*Petitions from the citizens of,*]

Of Thomas Hinkson and others,	26
Of John Eldridge and others,	217
Remonstrance against Shelbyville and Vernon state road,	271

*BILLS which originated in the House of Representatives.*

No.	Bills of the House of Representatives.	Introduced.	Proceedings in committee of the whole and in the House.	Passed H. R.	Passed S.	Other proceedings.	Approved.
1	A bill for the relief of Robert W. Todd,	39	91	101	147	186, 203	203
2	A bill to vacate the town of Sarah in the county of Fountain,	43	92	105	121	144, 153	191
3	A bill to legalize the election of trustees for Patoka Baptist church, &c.	43	92	105	132	150, 187	191
4	A bill to alter &c. the charter of the town of Richmond,	43	92, 113, 230	255	393	414, 463	474
5	A bill for the relief of John Hollowell, senr.,	52		101	147	186, 203	203
6	A bill to amend the act regulating the practice in suits at law,	53	92, 97, 115	137	523	526	530
7	A bill to locate a road from Mills' mill to the falls of Fall creek.	72	92	105	198	202, 229	250
8	A bill to locate the Connersville and Brookville state road,	72	92	105	147	186, 203	203
9	A bill to repeal the act prohibiting the circulation of small notes,	84	92				
10	A bill for a road from Fort Wayne to state line on the east,	81	99	105	121	144, 153	191
11	A bill to authorize commissioners of Vermillion county to appropriate money in Parke county,	87		87	113	135, 146	148
12	A bill to amend the act for the safe keeping of prisoners, &c.	87	99	105	131	150, 187	191
13	A bill to amend the act making promissory notes &c. negotiable,	87	99, 144	204			
14	A bill to provide for printing &c. the laws of present session General Assembly,	87	100, 144	204	433	453, 480	491
15	A bill incorporating the Wabash manual labor college &c.	87	100, 116, 149	212	247	{ 247, 248, 306,	238
16	A bill to relocate a part of the Martinsville &c. state road,	88	100	106	133	{ 316, 320, 329 150, 187	190



# BILLS—Continued.

No.	Bills of the House of Representatives.	Introduced.	Proceedings in committee of the whole and in the House.	Passed H. R.	Passed in	Other proceedings.	Approved.
17	A bill supplementary to the act relative to crime and punishment.	88	100, 512	106	121	144, 153	191
18	A bill to establish a state road from Rockville to Bowlinggreen,	88	100				
19	A bill to locate a state road from Marion county to Sparks' ferry in Jackson county,	89	99	106	147	186, 203	203
20	A bill for a road from Bloomington to Morgantown,	89	99	106	132	150, 187	190
21	A bill to amend the Indianapolis and Lawrenceburgh rail road charter,	90	99, 112	106	518	{ 229, 230 505, 522 }	
22	A bill to legalize the election &c. of trustees &c. in Union county,	90	99	106	133	150 187	190
23	A bill to facilitate the business of the Legislature,	90	99	106	199	208, 229	250
24	A bill to amend the act appropriating a part of the 3 per cent. fund of '33,	91	99	106	121	144, 153	190
25	A bill in addition to the act incorporating New Albany,	91	99	106	133	150, 187	191
26	A bill to establish a point on the Terre Haute state road,	91	{ 100, 145, 208, 240 }	225	286	294, 305	312
27	A bill to amend the act regulating divorces,	93	113, 138, 509				
28	A bill to vacate a part of a state road therein named,	94	113, 272	314	377	391, 402	409
29	A bill to locate a certain state road therein named,	94	113	137	242	251, 266	268
30	A bill for the relief of sundry citizens of Monroe county,	94	113	137	514	525	530
31	A bill for the apportionment of Senator and Representatives in certain counties, &c.	94	113, 145				

32	A bill authorizing a street to be laid off in Charlestown, &c.	94	113, 435	143	455, 508	511
33	A bill to amend the act for loaning seminary fund, &c.	94	113			
34	A bill to prevent the sale of ardent spirits to Indians, &c.	104	114, 138, 509			
35	A bill for the relief of William Clark of Monroe county,	104	114			
36	A bill authorizing Matthews & Co. to erect a mill dam, &c.	104	114			
37	A bill supplementary to the act to establish a college in Indiana,*	104	246, 391, 456			
38	A bill to provide for the inspection of salt, &c.	108	126, 155, 193			
39	A bill to locate a road from the Michigan road to Vernon,	109	127			
40	A bill to amend an act incorporating the Monroe county female seminary society,	109	127			
41	A bill amendatory of an act appropriating part of the 3 per cent. fund, &c.	109	127			
42	A bill concerning school districts in town 12 in Shelby county,	112	127			
43	A bill to incorporate the Levenworth manufacturing company,	112	127, 188, 142			
44	A bill to abolish the office of agent of 3 per cent. fund.	116	128, 505			
45	A bill to amend the act to improve the navigation of Lost river &c.	116	127			
46	A bill for the sale of sec. 16 T. 21 R. 9 W in Warren county,	121	136			
47	A bill to amend the act regulating the mode of doing county busi- ness,	122	137, 292			
48	A bill for the relief of James W. Cowan and others,	133				
49	A bill to incorporate the Vincennes company,	134				
50	A bill to change a part of the Shelbyville and Greenfield state road,	134	143			
51	A bill to amend an act to provide for the sale of certain lands &c.	134	143			

\*The journal does not show the report of this select committee.

# BILLS—Continued.

No.	Bills of the House of Representatives.	Introduced.	Proceedings in committee of the whole and in the House.	Passed H. R.	Passed S.	Other proceedings.	Approved.
52	A bill to appropriate a part of 3 per cent. fund in Monroe county;	136	143	204	514	527	529
53	A bill for the election of a J. P. in Gosport, Owen county,	139	158	213	245	258, 266	268
54	A bill to amend the act regulating practice in suits at law,	139	158, 213, 512				
55	A bill to repeal an act for the encouragement of education,	141	158	215			
56	A bill to amend the act to provide for a certain state road therein named,	142	158	212	245	259, 265	26
57	A bill for the benefit of persons likely to suffer by the destruction of the records of Spencer county,	143		143	147	186, 203	203
58	A bill to amend the act to provide a fund for support of common school's,	148	158	216			
59	A bill to amend the act to provide for commissioning Sheriffs, &c.	148	159, 510				
60	A bill to amend the act to regulate the practice in suits at law,	148	160, 510				
61	A bill to extend the provision of the act for the relief of insolvent debtors,	148	160, 188, 510				
62	A bill to amend the act regulating taking up animals going astray, &c.	149	197, 510				
63	A bill to amend the act to provide for a circuit prosecutor, &c.	153	197	212	433	453, 480	491
64	A bill to amend the act to regulate the mode of doing county business,	153	197, 303, 303	314	422	430, 480	506



65	A bill to amend the act relative to the destruction of the records of Parke county,	154	198	227	270	271, 277	277
66	A bill to repeal a certain act now in force and for other purposes,	154	{ 198, 232, 239, 257, 428 }				
67	A bill extending the jurisdiction of justices in actions of trespass, &c. to fifty dollars,	155	197, 315	390	476	489, 507	511
68	A bill to amend the act providing for a circuit prosecutor, &c.	155	198, 510				
69	A bill to amend the act to regulate the mode of doing county business, &c.	157	{ 193, 216, 225, 241 }	255	422	425, 450	462
70	A bill to amend the act relative to crime and punishment,	157	198, 510				
71	A bill authorizing the opening a part of the Newcastle and Lafayette road, &c.	157	198	255			
72	A bill to establish an asylum in the counties of Franklin, &c.	157	198				
73	A bill to amend the act dividing the state into judicial circuits, &c.	157	199				
74	A bill to provide for an additional place of holding elections, &c.	184	199	256	455	488, 507	511
75	A bill to authorize the collectors, &c. to assess a tax on non-resident covering horses,	184	198, 256, 320	390		<i>Title amended.</i>	
76	A bill to amend the act to regulate marriages,	185	200, 435				
77	A bill amending the act regulating jurisdiction and duties of justices of the peace, approved Feb. 10, 1831,	185	204				
78	A bill to amend the act to establish a college in the State of Indiana,	185	212, 257, 288	313	528	524	529
79	A bill for the relief of William C. Bramwell,	185	232	255	359	361, 384	382
80	A bill granting relief to George White,	185	232, 257,				
81	A bill to establish a state road from Liberty, &c. to Germantown, Ohio,	185	232	255	286	294, 305	313

# BILLS--Continued.

No.	Bills of the House of Representatives.	Introduced.	Proceedings in committee of the whole and in the House.	Passed H. R.	Passed S.	Other proceedings.	Approved.
82	A bill to authorize the recorder of Sullivan county to record a townplat, &c.	186	246	255	286	294, 305	313
83	A bill to amend the act regulating and defining privileges in certain cases, approved 1817,	193	246, 512				
84	A bill granting relief to persons who made improvements on the donation,	193	246	256			
85	A bill to locate a state road from Milton to Muncietown,	193	246, 269	313	376	391, 403	409
86	A bill to relocate part of Martinsville, Bellville, Danville, and Frankfort state road,	194	246, 264	313	376	391, 403	409
87	A bill for the relief of Alexander Massey,	202	246	256	455	472, 509	521
88	A bill to amend the act regulating the jurisdiction &c. of justices of the peace,	202	246	258	431	446, 466, 515	521
89	A bill for the relief of Nathan Padgett,	202		227	514	525	530
90	A bill for the relief of Rebecca M'Kown,	203	247	259	395	425, 450	462
91	A bill to incorporate the town of Centreville,	203	248	260	394	426, 450	
92	A bill to authorize a change of venue in criminal cases,	207	249				
93	A bill to declare a certain road therein named a state road and to provide, &c.	208	250	260	286	295, 305	313
94	A bill to amend the acts regulating the mode of doing county bu-						

95	business, &c. A bill relative to the removal of seats of justice and for other purposes,	208	{ 248 postponed indefinitely. 250, 269, 512 216, 224, 250. 265, 267, 269, 270, 273, 274. 280, 286, 293, 352 373 294, 295, 304, 321, 324, 329, 339, 347, 351 250, 320, 474 251, 265, 360, 363, 368, 409, 437, 447, 463, 468, 470, 473	{ 382, 385, 388, 391, 393, 395, 433 420, 422	313
96	A BILL ESTABLISHING A STATE BANK,	211			
97	A bill to amend the act relative to crime and punishment,	218			
98	A bill authorizing a loan for internal improvements and pledging 3 per cent. fund for payment,	224			
99	A bill to authorize the sheriff of Spencer county to summon a grand and petit jury, &c.	228	252	260 281	293, 301
100	A bill to amend the act for opening and repairing public roads and highways,	228	252, 267	314	
101	A bill to amend the act regulating jurisdiction, &c. of justices of the peace,	233	{ 252, 303, 321, 321, 436, 451, 463 461	182	499, 509
102	A bill to change a part of a certain state road therein named,	233	261		521
103	A bill to amend the act for assessing, &c. the revenue and to provide, &c.	238	{ 261, 291, 361, 426, 430, 444, 475 459		



No.	Bills of the House of Representatives.	Introduced.	Proceedings in committee of the whole and in the House.	Passed H. R.	Passed S.	Other proceedings.	Approved.
104	A bill to subject choses in action and equitable titles, &c. to the payment of debts,	239	263, 386				
105	A bill relative to county officers.	239	263				
106	A bill to amend the act to locate a state road from Orleans, &c. to intersect, &c.	239		255	286	292, 301	313
107	A bill to amend the act for opening and repairing public roads and highways,	240	263, 512				
108	A bill to repeal a part of an act therein named,	240	{ 371, 436 Title amended.				
109	A bill to incorporate the several townships in the county of Tippecanoe,	242	372	427			
110	A bill for the relief of the heirs of John Horlock, dec'd. &c.	243	292	293	328	338, 355	363
111	A bill to legalize the proceedings of the county commissioners of Bartholomew county, &c.	244	382	427	444	466, 509	521
112	A bill to amend the act for the encouragement of education,	244	382	427			
113	A bill to authorize D. Bales, &c. to pay over to J. T. Hadley the sum of \$15 &c.	244	383	427	455	473, 508	521
114	A bill to repeal the act regulating medical societies,	245	383				
115	A bill supplemental to an act incorporating the borough of Vin-						

116	A bill authorizing the creation of a loan, &c. and pledging 3 per cent. for payment, &c.	245	306, 310	367 394	406, 420	425
117	A bill attaching certain unorganized territory to the county of La- porte for judicial purposes,	253	{ 255, 285, 360, 363, 413			
118	A bill to relocate part of the road leading from the Cumberland road to the Lafayette road,	254	382	427 144	466	511
119	A bill to amend the act for assessing and collecting the revenue,	254	385, 445	502		
120	A bill to incorporate the New Albany and Jeffersonville rail road company,	254	385	385 431	466, 508	530
121	A bill to vacate the town of Union in Boone county,	255	382	427 144	466, 508	511
122	A bill to amend the act organizing circuit courts and defining their powers and duties, &c.	255	382	427 155	488, 507	511
123	A bill changing the time of holding circuit courts in the county of Madison,	260	262	263 328	{ 337, 354, 372, 385 The title must have been changed.	382
124	A bill to regulate the fees of the commissioners of Grant county,	260	383	427 455	488, 507	506
125	A bill to declare the intent of the law giving justices of the peace jurisdiction where executors, &c. are plaintiffs,	261	385	512 518	524	531
126	A bill to declare a certain road therein named a state road,	261	383	427 444	466, 515	521
127	A bill supplemental to the act to establish a college in the state of Indiana,	262				
128	A bill to regulate the weight of grain,	262	385, 510			
129	A bill to amend the act to regulate the weight of grain,	264	386			

# BILLS—Continued.

No.	Bills of the House of Representatives.	Introduced.	Proceedings in committee of the whole and in the House.	Passed H. R.	Passed S.	Other proceedings.	Approved.
130	A bill to amend the act to provide for the commissioning, &c. approved Feb. 7, 1824,	264	385, 512		518	524	530
131	A bill relative to fees and voluntary prosecutors in criminal cases,	264	386				
132	A bill to enable <i>feme covert</i> s under the age of 21 years to join, &c. in conveyance of estate,	265	387				
133	A bill to provide for the taking of depositions in certain cases therein named,	265	401	127	176	489, 507	511
134	A bill to amend the act to incorporate the Ohio and Lafayette rail road company,	268	401, 415	156	198	522	530
135	A bill authorizing the location of the seat of justice of Huntington county, &c.	268	295, 302, 303	307	130	453, 480	491
136	A bill to amend the act concerning seminary townships in Gibson and Monroe counties, approved Jan. 27, 1827,	269	402	127	519	526	529
137	A bill to provide for the location of a state road from Knightstown to Hill's mill,	271	403	103	131	453, 480	491
138	A bill to amend the act to appropriate a part of the 3 per cent. fund and for other purposes,	272	407, 434	435	176	489, 508	510
139	A bill to relocate a part of the state road from Leavenworth to Paoli,	272	403	504		524	



140	A bill to amend the act authorizing the seizure of boats, &c. for debts,	274	403	403	444	473, 509	591
141	A bill giving mechanics a lien on buildings,	274	403	403	527	528	529
142	A bill to vacate the town of Alenville in the county of Switzerland,	274	404	404			
143	A bill defining the duties of commissioners appointed to locate state roads and for other purposes,	275	404	404	431	453, 480	491
144	A bill to change the name of Williamsburgh in Wayne county to Steeleville,	275	295	295	377	{ 391, 403 Title amended.	409
145	A bill to change a part of the state road from N. York in Switzerland county to Versailles,*				286	320, 329	338
146	A bill to provide compensation for sheriffs and constables for certain services,	289			459		
147	A bill to legalize the sale of school lands in Vermillion county,	291			514	525	531
148	A bill to change a part of the state road from Richmond, &c. to Fort Wayne, &c.	291			514	524	531
149	A bill subjecting certain articles to sale for repairs after a certain period,	291			515	527	531
150	A bill to incorporate the Jeffersonville steam mill company,	291			515	527	529
151	A bill to locate a state road from Morgantown to Indianapolis,	291			514	527	529
152	A bill to amend the act to establish a road from Fairplay, to intersect, &c.	291			515	525	531
153	A bill to amend the act to regulate descents, distribution and dower,	291	481	481			
154	A bill to legalize the election of district trustees in Marion county,						

\*This is the first place this bill is noticed.

# BILLS—Continued.

No.	Bills of the House of Representatives.	Introduced	Proceedings in committee of the whole and in the House.	Passed H. R.	Passed S.	Other proceedings.	Approved.
155	ty, A bill for the relief of Powell Deans,	291		480			530
156	A bill for the relief of Thomas Neely,	291		481	514	525	409
157	A bill to amend the act subjecting real and personal estate to execution,	294	304	301	377	391, 403	
158	A bill to establish a state road in Johnson county,	294	483				
159	A bill to repeal an act therein named vacating a certain state road &c.	297	481				
160	A bill for the further improvement of the Michigan road,	297	481				
161	A bill to amend the act regulating prison and prison bounds,	297	395, 417				
162	A bill to provide means for the construction of the Wabash and Erie canal,	297	481				
163	A bill to amend the act to regulate the mode of summoning, &c. grand and petit jurors,	301	345, 438				
164	A bill to amend the act for assessing and collecting the revenue,	302		480			
165	A bill to amend the act regulating the practice in suits at law,	308		483	497	511, 519	521
166	A bill to relocate a part of the Mooresville, Danville and Crawfordsville state road,	308	484				
167	A bill to provide for appropriating the Wabash fund,	308		484	499	522	530
168	A bill to establish a state road from Conwell's mill, &c. to inter-	309	486				

sect, &c.		309	484 197	523	530
169	A bill amendatory to the act declaring Busseron creek a public highway,	309	484 197	524	531
170	A bill for the relief of Balsor Fox and others,	310	484 197	524	530
171	A bill to relocate a part of the state road leading from Madison to Indianapolis,	310	421 144	466, 509	521
172	A bill to amend the act to locate a state road from Andersontown to Logansport,	316	484 498	527	529
173	A bill to amend the act to authorize the vacation of towns,	316	484 497	522	530
174	A bill declaring the road from Connorsville to Milton a state road,	316	484 198	519	521
175	A bill to locate a certain state road therein named,	319	494		
176	A bill for the formation of Tecumseh county,*	319	391 447	466, 508	511
177	A bill to appoint commissioners on the state road from Fredonia to the mouth of the Wabash,	320	391 422	425, 450	462
178	A bill to locate a state road from Lyon's mill to Morgantown,	321	484 515	525	530
179	A bill to locate a state road from Rockville to Jamestown in Boone county,	343	484		
180	A bill to locate and establish a state road from Shelbyville to Adam Keller's mill,	344	487 518	527	529
181	A bill to amend the act incorporating congressional townships, &c.	344	513		
182	A bill to amend the act incorporating congressional townships, &c.	344	358, 384		
183	A bill authorizing John Hardin to pay over to N. Maudlin all sums, &c.	345	358	525	529
184	A bill to locate a state road in the county of Switzerland,	345	491 514	527	529
185	A bill to legalize the proceedings of the commissioner of the road				

\*Title amended.



# BILLS—Continued.

No.	Bills of the House of Representatives.	Introduced.	Proceedings in committee of the whole and in the House.	Passed H. R.	Passed S.	Other proceedings.	Approved.
	from Shelbyville to the intersection, &c.	345		184 520		526	530
186	A bill to change a part of a state road therein named, -	356		184 515		525	530
187	A bill for the location of a state road from a point on the Ohio line to Goshen, &c.	356		484 515		525	305
188	A bill to locate a state road from South Bend to the western boundary of the State,	357		484 515		524	529
189	A bill to incorporate the Indianapolis and Lafayette rail road company,	357		390 446		488, 507	531
190	A bill to locate a state road from Connorsville to St. Omer,	358	391, 414	484 515		527	529
191	A bill to locate a state road from Carlisle to Terre Haute,	358		390 431		474, 509	530
192	A bill to incorporate the town of Lafayette,	359		486 515		525	531
193	A bill to amend the act regulating medical societies,	361		426 522		527	529
194	A bill for the relief of Richard L. Dickson,			366 394		425, 473, 508	506
195	A bill to incorporate the Leavenworth and Bloomington rail road company,	361		502			
196	A bill to authorize the Marion board of commissioners to hold a special session,	366					
197	A bill providing for the appropriation of certain unexpended balances of the three per cent. fund,	366	499				
198	A bill to declare a certain county road therein named, a state	366					

road,	366	427	454	488, 507	506
199 A bill to establish a state road from Lexington to the 13th mile stake in Jefferson county,	366	484	515	525	531
200 A bill to amend the act to locate a state road from Delphi to Muncietown,	367	427	454	488, 507	511
201 A bill to attach a part of the county of Harrison to the county of Floyd,	367	502			
202 A bill to amend the act to incorporate the Madison, Indianapolis, and Lafayette rail road company,	367	427	476	511, 519	521
203 A bill changing the times of holding the circuit courts in the 8th judicial circuit,	367	367	394	414, 463	447
204 A bill granting relief to John E. McCluer,	367	503			
205 A bill to locate a state road from Rising Sun to Cross Plains, &c.	367	503	516	527	529
206 A bill authorizing the appointment of commissioners to divide certain school lands,	368	503	516	527	529
207 A bill to amend the act regulating the jurisdiction &c. of justices of the peace,	368	510, 512			
208 A bill to amend the act for the relief of the poor,	368				
209 A bill for the relief of Polly Vannoy,	373	427	503	516	529
210 A bill to amend the act incorporating congressional townships and providing for public schools therein,	378	504			
211 A bill to amend the act to organize and regulate the militia, &c.	378				
212 A bill to establish a ferry or ferries across the Ohio river at Jeffersonville, &c.	381				
213 A bill to establish a state road from Morrisdown to Vernon,	381	504	518	525	529
214 A bill to attach the county of Carroll to the first judicial circuit					

# BILLS—Continued.

No.	Bills of the House of Representatives.	Introduced.	Proceedings in committee of the whole and in the House.	Passed H. R.	Passed S.	Other proceedings.	Approved.
215	and for other purposes, - - - - - A bill to provide for the location of the Muncietown and Fort Wayne state road, - - - - -	381		428 447		466, 508	511
216	A bill to amend the act dividing the state into judicial circuits and fixing, &c., - - - - -	381		427 455		488, 507	511
217	A bill to provide for the location of the Huntington and New Cumberland state road, - - - - -		382*	427			
218	A bill to locate a state road in Dearborn and Ripley counties, - - - - -	396		396 422		425, 450	462
219	A bill to vacate the town of Darlington in Grant county, - - - - -	396		396 444		473, 509	521
220	A bill to incorporate the Fort Wayne and St. Mary's bridge company, - - - - -	396		396 444		466, 509	521
221	A bill to amend the act to incorporate the county seminary of Posey county, &c., - - - - -	397		427 444		473, 508	521
222	A bill for the relief of the widow and heirs of Matthias R. Nowland, - - - - -	408		408			
223	A bill to locate a state road from Greepfield to Middletown, - - - - -	409	424	504			
224	A bill to authorize James Alexander former collector of Monroe county, yet to collect, &c., - - - - -	415		415 444		473, 508	511
		415		456 483		499, 515	520

\*Note. This is the first place this bill appears on the journal.



225	A bill to amend the act to incorporate the town of Madison,	415	416	454	488, 503	511
226	A bill to appropriate a part of the three per cent. fund to bridge the Kankakee on the L. road, &c.,	416				
227	A bill to amend the act to organize and regulate the militia of the state of Indiana,	416	504			
228	A bill to divorce Peter Graffort and Cassander Graffort,	416	504	505	516	529
229	A bill to amend the act to organize probate courts, &c.,	416		417	444	521
230	A bill to authorize the survey of roads in the county of Switzerland,	417		456	489	521
231	A bill to incorporate the Charlestown manufacturing company;	417		456	482	511, 519, 528
232	A bill to authorize the sale of a certain school section in Marion county,	417		505	517	531
233	A bill to establish the route of a part of the Madison and Indianapolis state road,	421		421	455	521
234	A bill to locate a state road from Robert Hanks' to William Hillico's, (Gunning's),	421	467, 468	468	497	531
235	A bill to amend the act incorporating congressional townships,	434		434	455	510
236	A bill for the relocation of the state road from Martinsville to Edinburgh,	436		456	482	520
237	A bill to locate a state road from Lagrange to Elkhart,	436		456	482	521
238	A bill to establish a state road from Hill's mill to Rezin Davis,	436		458	482	520
239	A bill to authorize the location of a state road from Fort Wayne to Yellow river,	452		452	482	520
240	A bill to authorize the transfer and conveyance of certain real estate, &c.,	453		453	520	530
241	A bill making general appropriations for the year 1834,	454	492	494	514	527

# BILLS—Continued.

No.	Bills of the House of Representatives.	Introduced.	Proceedings in committee of the whole and in the House.	Passed H. R.	Passed S.	Other proceedings.	Approved.
242	A bill making specific appropriations for the year 1834,	454	492	494	513	{ 516, 517, 520,	529
243	A bill authorizing a loan for internal improvement, -	454	505			{ 522, 523, 527	
244	A bill to locate a state road in Dearborn county, -	467		467	497	527	529
245	A bill to authorize the county board of Madison county to change the name of West Union, -	467		467	497	523	530
246	A bill to provide for the election of a justice of the peace in the town of Jentryville, -	467		467	515	524	530
247	A bill to locate a state road from near J. Woodruff's to Franklin,	468		468	499	522	530
248	A bill to legalize the proceedings of sub-trustees of congressional township 12, N. range 1 east, -	474		474	491	524	530
249	A bill to incorporate the Levenworth manufacturing company,	482		482	515	527	531
250	A bill to establish a state road from Spencer to Dixon's mill,	487		487	515	524	530
251	A bill to appropriate the three per cent. fund, -	488		488			
252	A bill for the relief of J. Ramy and P. Davis, -	489		489			
253	A bill to authorize the district trustees in township 11, range 5 east, to appropriate, &c., -	494			506	524	530
254	A bill for the inspection of certain articles therein enumerated,					526	530

\*This is the first notice of this act.

2551A bill to change the time of holding courts in the first circuit, | 5231

523, 528, 528, 528

529

*Note.* In those bills which have the same title, and in those the titles of which were changed, some errors may be found, which could not be avoided as they were not numbered in the journal.



*BILLS which originated in the Senate.*

No.	Bills of the Senate. Title.	Reported from Senate.	Proceedings in committee of the whole and in the House.	Passed H. R.	Other proceedings.	Approved. See Sen. J.
1	A bill to incorporate the Evansville and Lafayette rail road company,	92	101	106	144, 153	
2	A bill for the benefit of W. D. Rooker,	92	101, 101	114	125, 150, 187	
3	A bill to authorize M. M'Daniel to apply for a writ of <i>ad quod damnum</i> ,	92	101	106	444, 153	
4	A bill for the relief of James M'Coy,	92	101	106	144, 153	
5	A bill giving validity to certain contracts,	92	100, 145	262	272, 286	
6	A bill for apportionment of a Senator and Representatives, &c.,	92	100, 145	205	229, 241	
7	A bill for the relief of Abraham Osborn,	113	127	143	193	
8	A bill to locate a state road from Greencastle to the Michigan road in Clinton county,	110	127, 254	313	328, 345, 371, 373, 401, 420,	
9	A bill to organize the county of Miami,	133	143	204	<i>Title amended</i> 229, 241	
10	A bill to amend the act to locate a state road from Delphi to Crawfordsville,	147	159	215	229, 241	
11	A bill to establish a state road from Dayton to the Michigan road in Clinton county,	147	150	215	241, 251	
12	A bill to establish a state road from Rising Sun to Lawrenceburgh,	147	159	215	241, 251	
13	A bill to establish a state road from Bloomington to Spencer,	155	199	234	266, 286	

14	A bill to authorize an asylum for the poor in the counties of Franklin, &c.,	186	245, 263	313	328, 372, 384
15	A bill to locate a state road from Danville to Prairieville,	186	246, 257, 275	313	338, 355
16	A bill to incorporate the Perry county seminary,	186	246, 317	390	426, 450
17	A bill to authorize the expenditure of the three per cent, fund appropriated to Adams county,	198	246	258	272, 286
18	A bill for the benefit of literary societies,	198	246	258	272, 286
19	A bill to incorporate the Corydon steam mill company,	200	246	258	282, 293
20	A bill to incorporate the Rising Sun insurance company,	207	248, 274, 383	428	446, 526
21	A bill to establish a state road from Bedford to the rapids of the Wabash,	207	248, 269	313	328, 338, 355
22	A bill to locate a state road from the east bank of the Wabash, &c. to Sugar creek, &c.,	226	251	260	265, 282, 293
23	A bill to amend the act for the encouragement of education,	226	407 <i>rejected.</i>		
24	A bill declaring certain roads therein named state roads,	226	252, 292	313	328, 338, 355
25	A bill in amendment to the act to quiet certain titles in Mount Vernon, &c.	245	384	428	473, 509
26	A bill to amend the act regulating jurisdiction, &c. of justices of the peace,	245	384	428	473, 508
27	A bill to locate a state road from Jamestown to intersect the road, &c. to Rockville,	245	384	428	473, 508
28	A bill to incorporate the Indiana Teacher's seminary,	260	384	*	488, 508
29	A bill to authorize the Shelby circuit court to hold a special session,	260			264, 267
30	A bill to increase the means of supporting common schools,	281	404, 414		

\*The passage of this bill is not noted in the journal.

# BILLS OF THE SENATE—Continued.

No.	Bills of the Senate.	Reported from Senate.	Proceedings in committee of the whole and in the House.	Passed H. R.	Other proceedings.	Approved. See Sen. J.
31	A bill for the establishment of a board of education for the encouragement of common schools, -	281	404, 414			
32	A bill to locate a state road from Evansville to New Harmony, &c. -	281	405, 434			
33	A bill for the relief of Samuel Darnell, -	281	405	428	452, 480	
34	A bill concerning costs and fees in criminal cases, -	281	406	406	425, 450	
35	A bill to locate a state road from Strawtown to Miamisport, -	281	405	428	452, 480	
36	A bill declaring what shall be evidence in certain cases, -	281	406, 416	456	527	
37	A bill for the preservation of the property on the Governor's circle. -	281				
38	A bill to incorporate the Switzerland county seminary, -	281	406	513	517, 518, 526	
39	A bill to incorporate the Franklin county library company, -	281	406	428	446, 488, 508	
40	A bill for opening and repairing public roads and highways in Owen county, &c. -	287	407	407	425, 450	
41	A bill for the relief of J. Rogers and William Waugh, -	287	407	430	454, 488, 507	
42	A bill for the relief of Robert Patterson, -	287	407	428	473, 509	
43	A bill to incorporate the north west rail road company, -	287	407	408	425, 450	
44	A bill changing the name of David Miller, -	287	459	459	526	
45	A bill in amendment to the act to appropriate part of 3 per cent. fund. -	294		481	526	
46	A bill to establish a state road from Rome to Paoli, -	294	482	483	499, 524	
		294		482	526	



47	A bill declaring a certain road therein named a state road,	298	481	521
48	A bill to establish a state road from Jasper to Troy,	293	481	526
49	A bill relative to county officers,*		313	
50	A bill supplemental to the act to incorporate the Evansville, &c. rail road company,	369		526
51	A bill to locate a part of the state road from Levenworth to Paoli,	377		
52	A bill to authorize John M. Lemon, &c. to build a toll bridge across Kankakee river,	377	428	452, 480
53	A bill to locate certain state roads therein named,	377		525
54	A bill to establish a state road therein named,	377	472, 478	
55	A bill to locate and establish a state road from Madison to Bloomington,	377	396	488, 503
56	A bill to vacate the town of Millville in Fountain county,	377		128 473, 509
57	A bill providing means for the Wabash and Erie canal,	377		177 407, 420
58	A bill to incorporate the Vincennes steam paper manufacturing company,	391	438	143 488, 507
59	A bill providing for the erection of a slope over Tannehill's mill dam, &c.	391		391 426, 450
60	A bill to relocate part of the state road from Williamsport to the state line in the direction of Danville,	391	405	
61	A bill for the election of a justice of the peace in Pendleton,	391		391 425, 450
62	A bill attaching certain territory therein named for judicial purposes,	391		391 426, 450
63	A bill for the suppression of gaming,	391		391 425, 450
64	A bill to legalize the sale of town lots in New Castle and for other	391		504 524

\*Note. This is the first place this bill is noticed.

# BILLS OF THE SENATE—Continued.

No.	Bills of the Senate.	Reported from Senate.	Proceedings in committee of the whole and in the House.	Passed H. R.	Other proceedings.	Approved. See Sen. J.
	purposes, - - -	394		394	425, 450	
65	A bill to provide for the printing of the laws of a general nature in the several newspapers of this state, - - -	394	504, 505			
66	A bill for the further improvement of the Michigan road, - - -	394	417, 435	135	{ 492, 500, 507, 526 }	
67	A bill to authorize the location of a state road from Decatur county to South Bend, - - -	394	416	157	491	
68	A bill to provide for the instruction of young men with a view to prepare them for teachers, &c. - - -	405	415, 443			
69	A bill to amend the act relative to crime and punishment, - - -	405				
70	A bill to amend the act to organize probate courts and defining, &c. - - -	422		157	488, 507	
71	A bill to amend, &c. the act to incorporate the several townships in the county of Dearborn, - - -	422	426	157	487, 526	
72	A bill to amend the act to organize probate courts, &c. - - -	423		123	452, 480	
73	A bill to authorize, &c. the loaning the library monies of Dubois to &c. - - -	423		157	526	
74	A bill for the benefit of revolutionary soldiers, - - -	423		124	473, 509	
75	A bill to locate a state road from Greensburgh to the falls of the Ohio, - - -	423		124	488, 508	

76	A bill to amend the act concerning clerks,	-	423	424	473, 509
77	A bill to amend the act for the incorporation of county libraries,	-	423	424	473, 509
78	A bill to attach certain unorganized territory to the county of La- porte for &c.*	-		428	
79	A bill to amend the act to subject real and personal estate to ex- ecution,	-	431	457	491, 526
80	A bill to divorce Lyman Leslie from his wife Lavinia,	-	431	432	473, 508
81	A bill to legalize the proceedings of the DeCATUR county library,	-	431	432	473, 508
82	A bill for the relief of the securities of certain officers,	-	431	457	491, 526
83	A bill to locate a state road from Michigan city to the western boundary of the state, &c.	-	431	432	472, 508
84	A bill to incorporate the Millport bridge company,	-	431	432	488, 507
85	A bill for the relief of Elias Murray and Edmund B. Goodrich,	-	431	432	473, 508
86	A bill to incorporate the mutual insurance fire company of Terre Haute,	-	433	433	473, 508
87	A bill supplemental to an act establishing a state bank,	-	448	449	454, 458, 463
88	A bill to incorporate the Kankakee Manufacturing company,	-	455	490	499, 526
89	A bill in relation to the moneys arising from leases of saline res- ervations,	-	455	456	491, 494, 498,
90	A bill to incorporate the Ecl river bridge company,	-	476	487	513, 525
91	A bill to amend the act for the relief of the poor,	-	476	477	499, 526
92	A bill to authorize writs of ne exeat,	-	476	477	521
93	A bill to incorporate the Jeffersonville insurance company,	-	476	477	526
94	A bill to continue the provisions of a j. r. for the benefit of state debtors,	-	476	519	524

\*Note. This is the first place this bill is noticed.



# BILLS OF THE SENATE—Continued.

No.	Bills of the Senate. Title.	Reported from Senate.	Proceedings in committee of the whole and in the House.	Passed H. R.	Other proceedings.	Approved. See Sen. J.
95	A bill to provide for the improvement of the navigation of the Wash river, - - -	490	495	497	500, 521	
96	A bill to declare White creek a navigable stream, - - -	498		498	526	
97	A bill to regulate trials of the right of property, - - -	498		498	525	
98	A bill to incorporate the Vincennes steam paper manufacturing company, - - -	506		506	525	
99	A bill for the relief of John H. Scott and infant heirs of Ann M. Scott, dec'd. - - -	509		509	524	
100	A bill to amend the act incorporating congressional townships, &c. - - -	518		518	522, 525	
101	A bill to amend the act regulating the fees and salaries of the several officers, &c. - - -	519		519	525	

<i>Boone county</i> , member from appears,	-	-	4
[ <i>Petitions from</i> ,]			

Of the heirs of Jesse Lane, deceased,	-	-	236
Remonstrance against a road,	-	-	237
A. H. Longley and others for a road,	-	-	237
Of W. C. Robinson and others,	-	-	268
Of A. H. Longley, &c. on subject of W. and E. canal,			271

<i>Business</i> , order of announced,	-	-	8
notice to change order,	-	-	234

<i>Canal, Louisville and Portland</i> , communication in reference to			388
---	--	--	-----

<i>Canal, Wabash and Erie</i> , report of fund commissioners of,			128
report of commissioners,			161
petitions in reference to,			274
resolution for election of com'r. of,			295
election of commissioner of,			298
petitions on subject of,			296

<i>Carroll county</i> , member from appears,	-	-	4
<i>Cass county</i> , member from appears,	-	-	4

[*Petitions from*.]

Of G. Lyre and others, for a change in times of holding circuit courts, &c.,	-	-	181
Remonstrance on the subject of Wabash and Erie canal,			297

<i>Clark county</i> , members from appear,	-	-	4
[ <i>Petitions from citizens of</i> .]			

For power to lay off a street in Charlestown,	-	-	51
Of Rebecca M'Kown for relief,	-	-	191
Relating to the practice of physic, &c.,	-	-	319
Of G. W. S. Bowman,	-	-	338
Relative to Silver creek bridge,	-	-	378

<i>Clark Amos</i> , petition for relief of,	-	-	42
<i>Clay county</i> , member from appears,	-	-	4

[*Petitions from*.]

For a change in the Greencastle and Carlisle road,	-	-	71
Of M. Dunney and others for a road,	-	-	237

<i>Clerks of the House</i> , elected,	-	-	6
<i>Clinton county</i> , members from appear,	-	-	4

[*Petition from*.]

Of S. D. Maxwell and others for relief,	-	-	121
---	---	---	-----





*Dearborn county*, members from, appear, . . . 3

(*Petitions from,*)

For a review of Harrison and Indianapolis road and  
remonstrance against it, . . . 70

Of Jabez Percival praying a change in a certain charter, . . . 93

Of J. Blasdale for a road, . . . 146

Remonstrance of J. Crozier and others, . . . 201

Of James Babcock and others, . . . 274

In reference to a road from Rising Sun, . . . 355

On the subject of militia fines, . . . 454

*Decatur county*, member from, appears, . . . 4

(*Petitions from citizens of,*)

For a road from the Michigan road to Vernon, - . . 39

*Delaware county*, member from, appears, . . . 5

(*Petitions from,*)

Praying a change in part of Muncietown state road, 51, 72, 80

Remonstrance on same, . . . 72

do. do. . . 80

For a road from Muncietown to Fort Wayne, . . . 103

For relocation of a road, . . . 191

Of E. Murray and others of Huntington, . . . 236

Of same on the subject of a road, . . . 237

For a road from McCormick's to Huntington, . . . 272

On same subject, . . . 305

*Door Keeper*, elected, . . . 6

*Dubois county*, member from, appears, . . . 4

*Election*, certificates of the election of members referred, . . . 12

of prosecuting attorneys, . . . 40

of canal commissioner, . . . 298

of Michigan road commissioners, . . . 422

of president and directors of state bank, . . . 463

*Elections contested*, viz:

William Yocom by John Luther of Clay  
county, . . . 9

report on the same, . . . 52

*Elkhart county*, member from appears, . . . 4

(*Petitions from,*)

For a road from the Ohio line to Goshen, . . . 305

<i>Fayette county</i> , members from, appear, .	4
certificate of A. P. A. in reference to collector of, .	395

## (Petitions from citizens of)

For a road from Brookville to Connersville, .	27
Of J. Lumpers &c. for a road, .	152
Of same, .	305
Of the clerk of the court, .	378
<i>Floyd county</i> , members from, appears, .	4

## (Petitions from,)

For the relief of George White of Louisville, Kentucky, .	51
Of P. F. Tulay &c. to increase militia fines, .	147
For a part of the territory of Clark, .	217
Relative to the election of county commissioners, .	378
<i>Fountain county</i> , members from, appear .	3

## (Petitions from,)

To vacate the town of Sarah .	12
Relative to the Wabash river, .	138
For a rail road, .	355
<i>Franklin county</i> , members from, appear, .	4

## (Petitions from,)

For the removal of the pension office, .	70, 103
<i>Free Conference</i> , committee of appointed, .	329
ditto, .	382
ditto, .	492
ditto, .	495
ditto, .	516
ditto, .	520
<i>General Assembly</i> , session of, opened with prayer, .	12
<i>Gibson county</i> , member from appears, .	4

## [Petitions from,]

<i>William Barker</i> and others, .	26
<i>The Governor</i> , is notified of the meeting of the Gen'l As'bly, .	7
communicates his message at commencement of the session, .	14
House goes into committee of the whole on message of, .	48

communicates the report of the visitor to the state prison, and sundry resolutions from other states, 102, 190	
announces his private Secretary,	107
returns act with objections,	475
do. do.	528
is notified that the Houses are ready to ad- journ <i>sine die</i> ,	532

*Grant county,*[*Petitions from,*]

For relocation of seat of justice,	288
<i>Greene county</i> , member from, appears,	88
<i>Hamilton county</i> , member from, appears,	4
<i>Hancock county</i> , member from, appears,	4

[*Petitions from,*]

To vacate a part of the Indianapolis and Centreville road,	71
Of Cook and Lewis for a canal or rail road,	262
<i>Hanover College</i> , report of,	115
report of, printed,	142
<i>Harrison county</i> , members from, appear,	3

[*Petitions from,*]

Praying part of <i>Harrison county</i> to be attached to <i>Floyd</i> ,	228
Remonstrance of E. E. Rice and others, on same subject,	270
<i>Hendricks county</i> , member from, appears,	4

[*Petitions from,*]

Relative to the <i>Mooreville</i> and <i>Crawfordsville</i> road,	93
For a change in the <i>Danville</i> and <i>Mooreville</i> road,	132
For a road from <i>Bellville</i> to <i>Lebanon</i> ,	139
For a change in the <i>Mooreville</i> road,	184
For a road from <i>Indianapolis</i> to <i>Jamestown</i> ,	272
Of <i>Polly Vannoy</i> ,	319
Against a change in the <i>Indianapolis</i> and <i>Crawfordsville</i> road,	343
Of <i>John Tincher</i> ,	378
Of <i>Vandike</i> and others,	489
<i>Henry county</i> , member from, appears,	4

## (Petitions from citizens of)

For a road from <i>Economy</i> to <i>Fall creek</i> ,	39
Of <i>J. Baile &amp;c.</i> for a road,	152, 229



	<i>Page.</i>
Of M. Brown and others for a road, . . .	217
For removal of the pension office, . . .	217
On the subject of the Muncietown road, . . .	287
Hinde Thomas S., petition of, . . .	138
invited within the Hall, . . .	138
Imprisonment for debt, proposition to abolish, . . .	25
Jackson county, member from, appears, . . .	4
Jefferson county, members from, appear, . . .	3

*(Petitions from citizens of,)*

Of R. W. Todd for a change of venue, . . .	27
For an extension of act incorporating Madison, . . .	93
Of John Alling and others for a change in a road, . . .	228
Remonstrance &c. on same subject, . . .	355
Jennings county, member from appears, . . .	4

*(Petitions from,)*

Of J. Vawter and others for a road, . . .	115
For a change in the Madison and Indianapolis road, . . .	271
For a road from Jeffersonville to Richmond, . . .	343
For a road from Lexington to Vernon, . . .	343
Of John Walker and others, . . .	489
Johnson county, member from, appears, . . .	4

*(Petitions from citizens of,)*

For a road from near Indianapolis to Sparks' ferry, . . .	51
For a change in the militia law, . . .	288
For a road from Woodruff's to Franklin, . . .	361
Relative to a congressional township, . . .	467
Kankakee, petition for a bridge over, . . .	217
Kavanaugh Benjamin T., petition of, . . .	138
invited within the bar, . . .	138
Knox county, members from, appear, . . .	4

*(Petitions from,)*

For the incorporation of compauy to drain a pond . . .	51
Of Alexander Massey for relief, . . .	191
On the subject of the navigation of Busseron creek, . . .	277
For an amendment to the act incorporating Vinceenes, . . .	296
Lagrange county, member from appears, . . .	4

*Petitions from,)*

For a road from Elkhart to Lagrange, . . .	343
--	-----

	<i>Page.</i>
Remonstrance on same subject, . . .	355
Petition on same subject, . . .	378
<i>Laporte county</i> , member from appears, . . .	4
<i>Lawrence county</i> , members from, appear, . . .	3

(*Petitions from,*)

For the relief of John Hollowell, . . .	13
In reference to congressional townships (see bills H. of R. No. 235,) . . .	434
<i>Library State</i> , Secretary of State's report on the, . . .	30
<i>Little John</i> , Petition for relief, . . .	397
<i>Loan Office</i> , Treasurer's report in relation to, . . .	61
<i>Madison county</i> , member from, appears, . . .	4

(*Petitions from,*)

On the subject of a canal, &c. . .	237
<i>Marion county</i> , member from, appears, . . .	4

(*Petitions from,*)

Of James W. Cowen for relief, . . .	121
Of William Warren, . . .	132
Of Elizabeth Nowland for relief, . . .	184
Of John E. McClure for relief, . . .	201
Of Obed Harris and others, . . .	228
For special session of commissioner's court, . . .	366
For the sale of a school section, . . .	397
Relative to the executive officer of Supreme court, . . .	453
<i>Martin county</i> , member from, appears, . . .	4
<i>Message</i> , of the Governor is committed to committee of the whole, . . .	24
vote to print, moved to be reconsidered, . . .	24
<i>Michigan road</i> , report of commissioner of, . . .	154
appropriation to, moved, . . .	269
communications in reference to the commissioner on, . . .	355
resolution to go into the election of commissioner of, . . .	393
resolution of Senate on same subject, . . .	396
do. do. do. . .	414
do. of the House do. . .	414
election of commissioner on, . . .	421
<i>Monroe county</i> , member from, appears, . . .	4

(*Petitions from citizens of,*)

For a road from Bloomington to Greenfield, . . .	27
--	----

For the relief of certain persons,	39
Of John Ketcham,	70
Of James Wallace and others,	71
For relief of William Clark,	72
For an appropriation on Bloomington and Leesville road,	88
Of N. Padget for relief,	184
For the relief of Jacob Bails,	192
Of John O. Howe and others,	(255) 202
Of Abednigo Walden for relief,	217
On the subject of Wood's ferry road,	254
<i>Montgomery county</i> , members from, appear,	4

## (Petitions from,)

For a change in the Montezuma road,	27
On the subject of congressional townships,	272
On the subject of the Wabash and Erie canal,	288
For a change in the law as to congressional township,	288
Relative to jurisdiction of justices,	306
On subject of a rail road,	339
<i>Morgan county</i> , member from, appears,	4

## (Petitions from,)

For a road from Lyon's mill to Columbus,	271
For a change in the Martinsville and Edinburgh road,	397
On the subject of a road from Indianapolis to Lawrence- burgh,	467
<i>National road</i> ,	
Communication from one of the Superintend- ents, of,	80
do do	200
do do	206
<i>Newspapers</i> , members furnished with,	10
<i>Orange county</i> , members from appear,	3

## (Petitions from,)

Of Alfred Elliott, &c. for a road,	139
For a change in the Levenworth road,	201
On the subject of a road from Bedford to Beck's mill,	254
A remonstrance on the same subject,	356
<i>Owen county</i> , member from, appears,	4

## (Petitions from citizens of,)

For the relief of Daniel Hartsock,	32
For the election of a J. P. in Gossport,	81



	<i>Page.</i>
Of T. F. G. Adams,	(287) 88
Of Oliver Cromwell, &c. for a road,	217
Of Joel A. Dyer and others,	255
In relation to a bridge across Eel river,	-
Parke county, member from, appears,	5

*(Petitions from citizens of.)*

A remonstrance against a change in the Montezuma road,	27
For change of the mode of doing county business,	28
For a road from Rockville to Bowlinggreen,	28
A remonstrance against locating a road,	115
Remonstrance of W. Depew, &c. against a change in a road,	139
A petition for aid to build a bridge,	139, 378
For a road from Montezuma to Lebanon,	319
Remonstrance on the subject of a road,	453
Perry county, member from, appears,	4
<i>Petitions. (See under head of counties respectively.)*</i>	
Pike county, member from, appears,	4
Posey county, member from, appears,	4

*[Petitions from citizens of.]*

On the subject of school lands in Posey county,	67
For a change in several laws,	71
For a change in the Justices' act,	201
Previous Question, moved,	323, 337, 342, 348
	400, 412, 424, 429
	436, 438, 441, 446
	447, 460, 470, 496
Printing, report of contract for,	28
Communication of G. Smith, relative to the,	51, 88
<i>Prosecuting Attorneys. (See Attorneys, Prosecuting.)</i>	
Putnam county, members from, appear,	3

*(Petitions from,)*

Of Joseph Wilkison, for a road,	72
Relating to the insolvent act,	191
Remonstrance against a road,	268
Randolph county, member from, appears,	4

*(Petitions from,)*

Of Jeremiah Smith,	206
--------------------	-----

*Note.* Petitions will be found under the head of the county represented by the member introducing them.

	<i>Page.</i>
For a change in the Richmond and Fort Wayne road,	305
Remonstrance on the same subject,	355

### REPORTS

<i>Of the Secretary of State</i> , on contracts entered into,	28
on State Library,	30
<i>Of the Treasurer</i> , on the state of the Treasury,	59
in relation to the Loan Office,	61
for stationary,	62
on disbusment of contingent fund,	63
a list of borrowers of State House fund,	64
do do College funds,	65
<i>Of the Auditor of P. A.</i>	72
<i>Of the Agent of the 3 per cent. fund</i> , in conformity with a resolution of the House of Rep. of Jan. 1832,	46
<i>Of the Agent of State</i> ,	120
<i>Of Canal Fund Com'rs.</i>	128
<i>Of Commissioner of Michigan Road</i> ,	154
<i>Of Canal Commissioners</i> ,	161
<i>Of Standing Committees.</i>	
<i>Public buildings</i> , relative to the sale of the Governor's Circle,	302
<i>Canals and Internal Improvements</i> , relative to the navigation of the Wabash and White rivers. (See Bills of H. of R. No. 98.)	218
On report of Superintendent of N. R. (See J. R. of H. of R. No. 14.)	224
In reference to the board of Canal Com'rs.	295
In relation to improving the White rivers,	296
In reference to a Canal, &c. from Fort Wayne, &c.	296
On reports of Canal Com'rs. (See Bills of H. of R. No. 162.)	299
On a resolution. (See J. R. of H. of R. No. 20.)	308
On Illinois petitions,	356
On the subject of a survey of the S. side of W. river, &c.	357, 381
In reference to Louisville Canal. (See J. R. No. 25.)	434
<i>Claims</i> , on the subject of repairs to the House,	81
On petition of Amos Clark,	94
On petition of T. F. G. Adams,	108
On claim of P. C. Dunning,	142
On petition of W. C. Bramwell. (See Bills of H. of R. No. 79.)	18

	<i>Page.</i>
On pet. of G. White. (See Bills H of R. No. 80)	185
On " from Monroe c'ty. ( " " 136)	269
On claim of S. Bigger, - - -	380
On claim of C. B. Smith, - - -	380
On the certificate of the Clerk of the Fayette Circuit Court, - - -	468
For relief of Ramy, &c. (See Bills H. of R. No. 251.) - - -	489
<i>Education</i> , on petitions of John Hollowell, Sen. See Bills H. R. No. 5.) - - -	52
On a resolution respecting Monroe county Fe- male Seminary, - - -	93
On petition of W. Clark. (See Bills H. R. No. 35.) - - -	104
On resolution relative to school lands, &c. - - -	141
Relative to the Ind. College. (See Bills H. of R. No. 78.) - - -	185
On the subject of seminaries, - - -	207
On election of Rep. to Congress, - - -	218
In relation to the school law, - - -	239
On part of Gov. message. (See Bills H. of R. No. 127.) - - -	262
On subject of reducing price of Sem. lands, - - -	288
Amendatory of school law. (See Bills H. of R. No. 210.) - - -	378
Relative to the election of C'ty. Commissioners, - - -	417
<i>Elections</i> , on resolution No. 39, - - -	42, 117
On the contest of the election of Wm. Yocom, - - -	52
On the petition from Gossport. (See Bills H. R. No. 53.) - - -	139
Relative to Constables, - - -	153
On subject of elections. (See Bills H. of R. No. 74.) - - -	184
On credentials of members, - - -	192
In relation to costs in contested elections, - - -	356
<i>Affairs of the town of Indianapolis</i> , on petition of Cowan and others. (See Bills H. R. No. 48.) - - -	133
On petition of Elizabeth Nowland. (See Bills H. R. No. 84.) - - -	193
In favor of John E. M'Clure. (See Bills H. R. No. 204.) - - -	367
<i>Judiciary</i> , on resolution No. 24. (See Bills H. R. No. 9.) - - -	81
On a resolution, (See Bills H. R. No. 17.) - - -	88
On a resolution, ( " " 27) - - -	93
On a resolution, ( " " 34) - - -	104
Relative to practice act. ( " " 54) - - -	139



On sundry resolutions,	-	139
On a resolution, (See Bills H. R. No. 58)	-	148
“ “ ( “ “ “ 59)	-	148
“ “ ( “ “ “ No. 60 & 61)	-	148
Relative to prosecutors, (See Bills H. R. No. 63)	-	153
County business, [ “ “ 64]	-	153
Relative to Parke county, [See Bills H. R. No. 65]	-	154
Relative to apprehending offenders, &c.	-	184
On the subject of marriages, [See Bills H. of R. No. 76]	-	185
In relation to Justices, [See Bills H. of R. No. 77]	-	185
On a resolution, [See Bills H. R. No. 83]	-	193
On the subject of a Convention,	-	207
In reference to the estray law,	-	207
Relative to change of Venue, [See Bills H. of R. No. 92]	-	207
Relative to capital punishment, [See Bills H. of R. No. 97]	-	218
Relative to choses in action, [See Bills H. of R. No. 104]	-	239
In relation to the constitution, [See Bills H. of R. No. 105]	-	239
Reported sundry bills, [See Bills H. R. No. 129, 130, 131, 132 and 133]	-	264
On resolution No. 205, [See Bills H. R. No. 261]	-	297
In relation to the act for summoning grand and petit jurors, (See bills H. of R. No. 163.)	-	302
On the subject of tender, (See bills H. of R. No. 165.)	-	308
On the subject of justices, [See bills H. of R. No. 207,]	-	368
On the subject of the poor, [See bills H. of R. No. 208,]	-	368
Relative to conveyance of estate, [See bills H. of R. No. 240,]	-	453
On the subject of eligibility to office,	-	475
<i>Military Affairs</i> , On a resolution, [See bills H. of R. No. 55,]	-	141
On a resolution exempting minors from military duties,	-	141
On the subject of exemption from payment of ferriage,	-	202
On the petition of G. Land and others,	-	378

	<i>Page.</i>
On the subject of fines, (See bills H. of R. No. 24,)	378
On the subject of drills, ( " " " 227,)	416
On sundry resolutions,	452
On communication from State of Delaware, (See J. R. H. of R.)	452
<i>Roads,</i> On the petition of Dan. Hartsock and others,	43
On petition for road from Connersville, &c. [See bills H. R. No. 8,]	72
On a petition for a road, [See bills H. R. No. 18,]	88
On a petition for a road, [ " " " " 19,]	89
On a petition, [ " " " " 20,]	89
On petition of Daniel Taylor, &c. in reference to a road,	94
On petition on subject of a road, [See bills H. R. No. 28,]	94
On reports of Supervisors,	121
On petition of A. Buskirk and others,	121
On resolutions on subject of paying supervisors,	133
On petition of citizens of Delaware county,	133
On petition of Wm. Moore and others,	148
On a petition, [See bills H. of R. No 66,]	154
On petitions from Parke county,	154
On sundry petitions, [See bills H. of R. No. 93,]	208
On pet's from Orange, &c. [ " " 106,]	239
Amendment to road act, [ " " 107,]	240
On a petition, [ " " 118,]	254
On petitions from Cr. co. [ " " 139,]	272
On sundry petitions, [ " " 159,]	297
On report of C. M. R. [ " " 160,]	297
On pet'n of M <sup>r</sup> Roberts, &c. [ " " 166,]	308
On petitions from Putnam and Clay counties,	319
On petition from Clay county, [See bills H. of R. No. 175]	319
Relative to appointing five road reviewers in certain cases,	319
On a petition, [See bills H. of R. No. 179,]	343
On subject of working on roads,	343
On the subject of the Mooreseille and Danville road,	343
On petition of J. Vawter, &c, [See bills H. of R. No. 180,]	344
On subject of Bridgeport and Lebanon road,	344
On subject of road from Indianapolis to Crawfordsville,	344
On a resolution relative to 3 per cent. fund,	344
On petitions from Randolph county, [See bills H. of R. No. 186,]	356
On petition of J. George, &c. (See bills H. of R.	

	<i>Page.</i>
No. 187,) - - -	356
Relative to the road from Bedford to Beck's mill,	381
On petitions from Elkhart, Lagrange and Rush,	501
On petition from Hendricks county,	502
<i>State Prison</i> , On a part of the Governor's message, -	308
<i>Ways and Means</i> , On a resolution relative to asylums, -	108
On a resolution, [See joint resolutions H. of R.	
No. 6, - - -	108
On a resolution respecting supervisors, &c. -	108
On resolution relative to poll tax, -	108
Relative to 3 per cent. fund, [See bills H. of R.	
No. 44,] - - -	116
Relative to taverns, - - -	153
Relative to double listing, - - -	184
Taxing covering horses, (See bills H. of R. No.	
75) - - -	184
On the subject of taverns, - - -	237
On the subject of the revenue law, - - -	237
On the same subject, (See bills H. of R. No.	
103,) - - -	238
On taxing venders of merchandize, (See bills H.	
of R. No. 119,) - - -	254
On increasing compensation of Speaker, &c.	
(317,) - - -	302
Relative to taxing M. R. Lands, (See bills H.	
of R. No. 164,) - - -	307
On resolutions relative to amending revenue	
law, - - -	344
Report, (See appendix C.) - - -	454
Appropriations, (See bills H. of R. No. 241,) -	454
do. ( " " " 242,) -	454
<i>Of select committees</i> , To wait on the Rev. C. W. Ruter,	12
To wait on the Governor, - - -	13
On petition of R. W. Tood, (See bills H. R.	
No. 1,) - - -	39
On petition to vacate the town of Sarah,	
(See bills H. R. No. 2,) - - -	43
On petition relative to Patoka Baptist church,	
[See bills H. R. No. 3,] - - -	43
On petition to extend the charter of town of	
Richmond, (See bills H. R. No. 4,) -	43
On Resolution No. 42, (See bills H. R. No.	
6,) - - -	53
On petition for road from Mill's mill, &c.	
[See bills H. R. No. 7,] - - -	72



On petition for Road from Fort Wayne, &c. (See bills H R No. 10,)	- 81
On a petition for a road, (See bills H R No. 29,)	- 94
On a petition from Monroe county, (See bills H R No. 30,)	- 94
On additional apportionment, [See bills H R No, 31,]	- 94
On petition from Charlestown, [See bills H R No. 32,]	- 94
On petition of Matthews, &c. [See bills H R No. 36,]	- 104
On unfinished business, [See bills H R No. 37,]	- 104
On resolution No. 125, [See bills H R No. 38,]	- 108
On a petition, [See bills H R No 39,]	109
In rel. to female sem. [ " " 40,]	109
Relative to 3 per cent. fund, [ See bills H R No. 41,]	- 109
On petition of Covett and others, [See bills H R No. 45,]	- 116
On a resolution, [See bills H R No 46,]	121
On a resolution, [ " " 47,]	122
Relative to marine hospital, [See J R H R No 8,]	- 133
On petition of J B Martin and others, [See bills H R 49,]	- 134
On petition of C R Tracey and others, [See bills H R 50,]	- 134
On a resolution, (See bills H R 51,)	- 134
On a resolution, [See J R H R 9,]	- 142
On the subject of Pension office, [See J R H R 10,]	- 149
On petition of George Smith,	- 149
On resolution, [See bills H R 62,]	- 149
On a resolution, [See J R of H R 11,]	- 154
Relative to Justices' jurisdiction, [See bills H R 67,]	- 155
On the subject of Prosecutors, [See bills H R 68,]	- 155
On petition of D Fetter, [See bills H R 82]	186
On petition of William Warren and oth- ers,	- 187, 208
On petition for a road, (See bills H R 86]	194
On petition of A Massey, [ " " 87]	202
On a resolution, [ " " 88]	203

	<i>Page.</i>
On petition of N Padgett, [ " " 89]	202
On the subject of documents furnished to members,	202
On petition of R. M'Kown (See Bills H. R. No. 90,)	203
On incorporation of Centreville, [See Bills H. R. No. 91,]	203
On the subject of county business, [See Bills H. of R. No. 94,]	208
Removal of seats of justice, [See Bills H. of R. No. 95,]	209
On the subject of a Bank, [See Bills H. of R. No. 96,]	211
On the justices' act, [See Bills H. of R. No. 102,]	233
On petition for change in road. (See Bills of H. of R. No. 202.)	233
On resolution No. 138. (See Bills of H. of R. No. 108.)	240
In relation to Clifty creek,	240
On the subject of supervisor's fees,	241
On the petition of M. Brown and others,	241
On petition from Tippecanoe county. (See Bills H. R. No. 109.)	242
On petition of the heirs of Lane. (See Bills H. R. No 121.)	255
On petition of R. M. Evans and others. (See Bills of H. R. No. 122.)	259
On affording protection to the wool growing interest,	262
In reference to Huntington Co. (See Bills H. of R. No. 135.)	268
On the subject of Switzerland county Seminary,	268
On petition for a road. (See Bills H. of R. No. 137.)	271
Relative to seizure of boats for debt. (See Bills H. R. No. 140.)	274
Giving a lien on buildings. (See Bills H. R. No. 141.)	274
On duties of road Com'rs. (See Bills H. R. No. 143.)	275
On a petition from Putnam county,	282
On resolution No. 229,	283
In relation to mills and millers,	283
On report of Judiciary Committee. (See	

	<i>Page.</i>
bills H. R. No. 146)	- 288
On petition from Clark county,	- 289
On a resolution, (See J. R. of H. of R. No. 18)	- 295
On petition of Barrett Timmons and others,	302
In relation to the Wabash fund, (See bills H. R. No. 167)	- 308
On subject of a road in Fayette county. See bills H. R. No. 168)	- 309
On subject of a road, (See bills H. R. No. 169)	- 309
On petition of B. Fox. (See bills H. R. No. 170)	- 310
On petition from Harrison,	- 310
On petition from Jefferson, (See bills H. R. No. 171)	- 310
On petition from Vincennes,	- 310
On subject of a canal route up White Wa- ter. (See J. R. of H. R. No. 21)	- 310
On petition for a new county. (See bills H. R. No. 176)	- 319
On petition from Perry & Spencer counties. (See bills H. R. No. 177)	- 320
On petition from Morgan county. (See bills H R 178.)	- 321
On a resolution as to school act. (See Bills H R 182)	- 344
On a petition on same subject,	- 344
On a petition from Switzerlandd, (See Bills H. R. No. 184)	- 345
On petition from St. Joseph, (See Bills H. R. No. 188.)	- 357
On petition for rail road. (See Bills H. R. No. 189.)	- 357
On petition from Fayette county, (See Bills H. R. No. 190.)	- 358
On petition from Vermillion,	- 358
On petition from Sullivan. (See bills H. R. No. 191)	- 358
On petition from Clarke praying to be at- tached to Floyd,	- 358
On petition from Lafayette, (See Bills H R No 192,)	- 358
Relative to medical societies, (See Bills H. of R. No. 193.)	- 359
On petition from Fountain in reference to a rail road,	- 360



As to the courts in the 8th circuit, [See Bills H. of R. No. 203,]	- 367.
On petition from Switzerland, [See Bills H. of R. No. 205,]	- 367.
On resolution, [See Bills H. R. No. 206,]	368
On petition of Polly Vanney, [See Bills H. R. No. 209,]	- 373
In relation to a ferry at Jeffersonville, (See bills H R No. 212,)	- 381
On petitions from Shelby county, (See bills H R No. 213,)	- 381
In relation to Carroll county, (See bills H R No. 214,)	- 381
Establishing Muncietown road, (See bills H R No 215,)	- 381
On petition from Huntington and Grant, (See bills H R No. 217,)	- 396
As to the relocation of the county seat of Grant,	- 396
On petition from Dearborn, (See bills H of R 218,)	- 396
On the petition of John Tincher,	- 396
On petition from Fort Wayne, (See bills H R 220,)	- 397
On petition from town of Madison, (See bills H R 225,)	- 415.
On petition for a bridge, (See bills H R No. 226,)	- 416.
On the petition of Graffart, (See bills H R No. 228)	- 416
On a petition from Marion, (See bills H R No. 232,)	- 417
Relative to the constitution,	- 420
On the subject of a new county in the N. E. corner of the state,	- 433
On petition of John M. Colman, &c.	- 435
On petition from Morgan county, [See bills H R No. 236]	- 436.
On petition from Elkhart, &c.. (See bills H R No. 237,)	- 436
Relative to the public lands, (See J R H of R 26)	- 449
On the subject of the milk sickness,	- 450
On petition from Allen, [See bills H R No. 239,]	- 452
On the petition of Oliver Cromwell and o-	

	<i>Page.</i>
thers, - - -	- 456
On petition from Dearborn, [See bills H R No. 244] - - -	- 467
On petition from Johnson, [See bills H. R. No. 247] - - -	- 468
On petition from Shelby county, - - -	- 502
<i>Representation additional</i> , So much of Governor's message as relates to referred, - - -	- 49
Select committe on, - - -	- 50
Addition to, - - -	- 69
<i>Representatives in Congress</i> , Returns of elections for, - - -	- 9
do. do. - - -	- 107

# RESOLUTIONS.

No.	Subject matter of.	Introduced.	Mover's name.	Other proceedings.	Adopted.
1	Informing Senate of the organization of the House,	6	Mr. Moore,		6
2	For admission of reporters within the bar,	7	Brady,		7
3	Adopting rules,	7	Levenworth,		7
4	For the appointment of a committee to wait on the Governor,	7	Beem,		7
5	To request Rev. C. W. Ruter to open the session with prayer,	7	Howell,	8	7, 10
6	Ordering the printing of the rules,	7	Stanford,	8, 9	10
7	For furnishing newspapers to members,	10	Evans,		10
8	For the appointment of a committee on enrolled bills,	11	English,		11
9	The election of prosecuting attorneys,	11	Hargrove,		11
10	On the subject of improving the Wabash,	11	Smith of K.,		11
11	Concerning attorneys at law,	13	Vandever,		13
12	Directing the handrailing of the lobby repaired,	13	Thompson,		13
13	For printing lists of standing committees,	13	Pearson,		13
14	Inviting the Senate to attend in the Hall of the House to receive the message,	13	Evans,		13
15	To print the Governor's message,	24	Hargrove,		24
16	On the subject of the collection of military fines,	24	Angle,		24
17	In reference to appeals to the circuit court,	24	Bigger,		24
18	To abolish imprisonment for debt,	24	Huntington,	90	90



19 To amend the practice act,	-	-	Smith of F.,	25
20 To give to justices complete jurisdiction over vagrants,	-	-	Snapp,	25
21 To repeal an act on the subject of education, approved February 2, 1833,	-	-	Bennett,	34
22 To amend the justices act,	-	-	Bigger,	26
23 To amend the road law,	-	-	Wallace,	33
24 To repeal the law prohibiting the circulation of small bank bills,	-	-	Smith of R.,	
25 To repeal a part of the law regulating the mode of doing county business,	-	-	Brown of L.,	
26 For a survey of the south side of the Wabash, with a view to the location of the canal there,	-	-	Evans,	112
27 For an enquiry into the constitutionality of the vagrant law,	-	-	Dunn,	35
28 To amend the justices act,	-	-	Pearson,	35
29 " " " "	-	-	Craig,	35
30 " " " "	-	-	Kilgore,	rejected
31 To amend the execution law,	-	-	Kizer,	rejected
32 To amend the 36th section of road law,	-	-	Howell,	rejected
33 To amend the 22d section of justices act,	-	-	Clark,	rejected
34 To amend the act authorizing the seizure of boats for debt,	-	-	Dorsey,	36
35 To amend the law of divorces,	-	-	Stanford,	37
36 To amend the interest law,	-	-	Dunning,	151
37 To amend the act regulating weights and measures,	-	-	Huntington,	37
38 In relation to the law of insolvent debtors,	-	-	Bigger,	38
39 To give the election of prosecutors to the people,	-	-	Brady,	38
40 To amend the law of divorces in reference to abandonment,	-	-	Smith of F.,	rejected
41 Inviting the Senate to the Hall of the House for the purpose of c-	-	-		

# RESOLUTIONS—Continued.

No.	Subject matter of.	Introduced	Mover's name.	Other proceed- ings-	Adopted.
42	lecting prosecutors, "To prevent the impeachment of the consideration of contracts"	39	Mr. Wright of P.,		39
43	in certain cases,	39	Moore,		39
43	To change the mode of collecting the revenue,	39	Hughes,	89	
44	To amend the revenue law so as to tax streets, &c.	40	Cookins,	43	43
45	The member introducing a proposition shall be of the committee while it is under discussion,	43	Brady,		43
46	To report a bill on the <i>ad valorem</i> system of taxation,	43	Vandeveer,	86, 89	
47	Relative to tavern keepers,	43	Craig,	86	
48	To amend the practice act in relation to costs.	44	Kilgore,	rejected	
49	To amend the act incorporating the Monroe county female Seminary,	53	Dunning,		53
50	Giving to each representative district privilege of sending one student to Indiana college gratis,	53	Wright of P.,		53
51	In relation to the salary of prosecuting attorneys,	53	Evans,	rejected	
52	To amend the act relative to taverns so as to tax according to the capital,	54	Howell,		54
53	Relative to fees in criminal cases where the state fails in the prosecution, &c.	54	Thompson,		55

54	To amend the 26th section of the act regulating the mode of doing county business,	55	Kilgore,	55
55	Instructing door keeper to procure militia law for use of House,	55	Snapp,	55
56	To repeal road tax on real estate, &c.	55	Brown of L.,	56 rejected
57	To amend the act relative to selling spirits to Indians,	57	Smith of F.,	57
58	Relative to compensation to supervisors,	57	Brackenridge,	57
59	To abolish the office of agent of 3 per cent. fund,	57	Levenworth,	57
60	For a system of common schools,	57	Brown of T.,	58
61	To amend the school law of 1833,	58	Carter,	58
62	To abolish capital punishment,	60	Brady,	rejected
63	To amend the 23th section of the practice act as to cases of continuance,	67	Brackenridge,	rejected
64	To amend the act to provide a fund for common schools,	68	Smith of K.,	68
65	To amend the 23d section of probate act,	68	Thompson,	68
66	To repeal the law allowing mileage to constables in civil cases,	68	Craig,	69
67	To authorize county boards to administer oaths,	69	Dunning,	70
68	Inviting Robert McIntire, Esq. within the bar,	70	Evans,	72
69	Touching the claims for erecting the handrailings in the Hall,	72	same	73
70	On the subject of applications to the Legislature for relief under school law,	73	Bigger,	rejected
71	To repeal the 5th and 6th sec. of county seminary act,	73	Vandeveer,	rejected
72	To repeal a part of 5th sec. of act regulating taverns,	73	Parker,	73
73	For the right of way for a rail road from Lafayette to Trail creek,	73	Fairman,	74
74	In reference to the burning of the records of Parke county,	74	Wright of P.,	74
75	To repeal a part of the act regulating the admission of attorneys,	74	Vandeveer,	rejected
76	To amend the practice act as to security for costs in certain ca-			



# RESOLUTIONS—Continued.

No.	Subject matter of.	Introduced.	Mover's name.	Other proceedings.	Adopted.
	ses,	74	Mr. Steele,		75
77	In relation to school townships,	75	Brown of L.,		75
78	To repair pavement of lobby,	75	Evans,		75
79	To amend the penal laws as to imprisonment in county jails,	75	Thompson,		75
80	To authorize the school lands to be sold to the highest bidder,	75	Leslie,		76
81	To amend the militia law doing away company, &c. musters,	76	Smith of R.,		76
82	Regulating the duty of clerks in relation to supervisors,	76	Evans,		76
83	To supply the county of Parke with revised code,	76	Wright of P.,		77
84	Relative to contested elections,	77	Yacom,		77
85	To provide for an additional election precinct in certain townships,	77	Wallace,		77
86	Relative to compensation to civil officers for apprehending offenders,	77	Hughes,		77
87	That a mistake in form of action shall not cause <i>non suit</i> before justices,	77	McDonald,		78
88	To expend certain of 3 per cent. fund on White river, &c.	78	Brady,		78
89	To exonerate persons who have not been in the state one year from a poll tax,	79	Foster,		79
90	To amend 5th sec. of practice act of 1833,	79	Thompson,	rejected	

91	Relative to districting the Michigan road,	79	Davis,	79
92	To repeal the act for building a bridge over Rattlesnake creek,	79	Moore,	79
93	To extend the insolvent debtor's act to persons confined for non-payment of fines,	79	Kilgore,	81
94	On the subject of musters on the 4th of July, &c.	81	Bramwell,	122
95	On the subject of the Wabash fund,	82	Wright of P.,	82
96	To prescribe a uniform law to govern commissioners in locating roads,	82	Colerick,	82
97	To establish a chancellor's court for probate business,	83	Brown of T.,	83
98	On the subject of the pay of supervisors,	83	Hardesty,	83
99	In relation to constables,	83	Craig,	83
100	On the subject of asylums,	83	Bennett,	84
101	In relation to assessing the revenue,	84	Dunning,	84
102	To repeal the 26th & 27th sections of militia act of 1831,	84	Davis,	rejected
103	On the subject of printing and indexing the journal,	84	Crume,	114, 116, 117
104	To change the mode of doing county business,	84	Hardesty,	rejected
105	To amend the 3d section of a road act of 1832,	84	Monroe,	85
106	Requiring supervisors to make affidavit of services before being paid,	85	Wilson,	85
107	In reference to the unfinished business of last session,	85	Piercy,	85
108	To exonerate persons going to muster from paying ferrriage,	85	Kizer,	85
109	To exempt minors from militia duty in time of peace,	85	Levenworth,	85
110	On the subject of amendments to militia act,	85	Pearson,	86
111	To enquire whether the astray law needs amendment,	86	Howell,	86
112	To amend the act providing for commissioning sheriffs, &c.	86	Leslie,	86
113	On the subject of a law preparatory to the <i>ad valorem</i> system,	86	Smith of R.,	89

# RESOLUTIONS—Continued.

No.	Subject matter of.	Introduced.	Mover's name.	Other proceedings.	Adopted.
114	On amending the acts regulating returns of fines by justices,	89	Mr. Smith of F.,		89
115	To amend the 8th section of the act regulating fees and salaries,	89	Smith of K.,		89
116	In relation to the line between Indiana and Illinois,	89	Gookins,		89
117	In reference to the board of canal commissioners,	90	Willet,		90
118	On altering the times of holding courts in 8th circuit,	90	Colerick,		90
119	On amending the militia law in reference to fines,	90	Guion,		90
120	In reference to the circuit court in Henry county,	90	Stanford,		90
121	In relation to judicial circuits,	91	Leslie,		95
122	Calling on the Gov. for state prison reports,	95	Stuart,		95
123	In the reduction of the price of public lands,	95	Howell,		95
124	To allow mileage to witnesses,	95	Hughes,		95
125	To amend the inspection act by providing for an inspector of whiskey,	95	Wright of P.		95
126	On the subject of the revenue law,	95	Foster,		95
127	On the subject of changing the time of holding musters,	95	Fields,	rejected	
128	On the subject of amending the wolf law,	96	Colerick,		
129	On the reduction of the price of refuse lands,	96	Moore,		96
130	To amend the act regulating the mode of doing county business,	96	Wilson,	103	96
131	Amendatory of the county seminary act.	96	Smith of F.,		96
132	In reference to land office Registers,	96	Craig,		



133	Amendatory to the act commissioning sheriffs, &c.	96	Thompson,	97
134	On the subject of documents ordered to be printed,	97	M'Donald,	97
135	To amend the act to license and regulate taverns,	97	Kilgore,	98
136	Limiting the discussion of resolutions to one hour each day, &c.	97	Wallace,	98
137	Enquiring whether the act regulating mills, &c. needs amendment,	98	Crume,	98
138	In relation to the constitution,	98	Clark,	98
139	In relation to enactments to give effect to certain sections of the constitution,	98	Bigger,	98
140	To exempt preachers from working on roads,	98	Nichols,	post. indefinitely.
141	To amend the act providing for the sale of certain lands,	104	Vanderveer,	104
142	Relative to the obstructions in the Wabash and White rivers,	105	Brown of T.,	105
143	To extend the jurisdiction of justices in replevin,	105	Kelso,	105
144	To furnish papers to the clerks of the House,	105	Evans,	105
145	For an allowance to P. C. Dunning,	105	Wright of P.,	105
146	Relative to the Judiciary committee,	105	Thompson,	105
147	Relative to double listing of property,	106	Smith of R.,	106
148	To amend the 4th section of the act regulating marriages,	106	Bramwell,	106
149	To repeal a part of the interest law of 1833,	107	Piercy,	284
150	Relative to the distribution of the school funds,	109	Bigger,	109
151	Giving courts of chancery jurisdiction in certain cases,	109	Evans,	109
152	Making it the duty of the judge advocate to file with J. P. lists of fines,	109	Kelso,	109
153	Relative to an adjournment,	110	Smith of F.,	rejected
154	Relative to paying prosecutors <i>pro tempore</i> ,	111	Hargrove,	111
155	To repeal the 76th section of justices act,	112	Wright of P.,	112

# RESOLUTIONS—Continued.

No.	Subject matter of.	Introduced.	Mover's name.	Other proceedings.	Adopted.
156	On the subject of education,	112	Mr. Brackenridge,		112
157	Relative to furnishing 2 bound copies of the journal to each county,	117	Brown of T.,	rejected	
158	To repeal a part of the 62d section of crime and punishment act,	117	Pearson,	post. indefinitely.	117
159	Relative to filing of declarations,	117	Carter,		122
160	To repeal the 6th section of the road act,	122	Bramwell,		122
161	In relation to 5th section, 9th article of the constitution,	122	Vance,		122
162	To amend the school law,	122	Davis,		122
163	To amend 35th sec. of revenue law,	122	Stuart,		122
164	Relative to tax on covering horses,	123	Leslie,	rejected	
165	Authorizing county boards to fine for contempt,	124	Williams,		124
166	Relative to patents for Michigan road lands,	124	English,	rejected	
167	To amend the act organizing Supreme Court, as to judges' salaries, &c.	124	Wallace,	post. indefinitely.	
168	To reduce the price of Seminary lands in Gibson and Monroe counties,	125	Dunning,		125
169	Relating to the collection of militia fines,	135	Fields,	rejected	
170	To reduce the fees of supervisors,	135	Howell,		135
171	To require six day's work on roads for personal privileges,	135	Davis,		

172 To amend the act for the encouragement of education,	135	Fowler,	150
173 To amend the road law so that the work shall be done prior to August,	136	Kelso,	150
174 To provide for the private execution of criminals,	150	Wright of P.,	150
175 Making it the duty of persons to meet the collector at the county seat,	150	Brady,	150
176 Giving discretionary power to circuit courts to change venue in criminal cases,	150	Smith of F.,	150
177 Changing the time of holding the courts in the 2d circuit,	150	Williams,	150
178 Relative to amendments to the road law,	151	Clark,	157
179 To allow jurors in circuit courts one dollar per day,	151	Guion,	post. indefinitely.
180 To amend the fee law by reducing fees,	151	Carter,	155 rejected
181 To repeal the 8th section of the astray law,	155	Vaudeveer,	156
182 To amend the act regulating taverns,	156	Bennett,	156
183 To amend the act for summoning jurors,	156	Brackenridge,	156
184 On the subject of calling a convention,	156	Leslie,	156
185 On the subject of relinquishment of dower,	156	Bigger,	157
186 On the subject of an adjournment,	156	Willett,	187
187 On the subject of the times of holding courts in the first circuit,	187	Evans,	187
188 To vacate Uniontown in Boone county,	194	Davenport,	194
189 Relative to the milk sickness,	194	Fairman,	194
190 Relative to applications for removal of county seats, &c.	194	Gookins,	195
191 To attach certain territory to Laporte county,	195	Colerick,	195
192 Relative to tender in cases of tort,	195	Brackenridge,	195
193 On the subject of increasing fees for marriage license,	195	Dorsey,	195
194 For a more efficient mode of repairing roads,	195	Howell,	195



# RESOLUTIONS—Continued.

No	Subject matter of.	Introduced.	Mover's name.	Other proceedings.	Adopted.
195	To exempt non-commissioned officers from attending drills,	196	Mr. Crume,		196
196	To provide for judgments bearing the same interest that the con- tract bore,	196	Ferguson,		196
197	For the survey of a canal or rail road route,	196	Stanford,	225	196
198	Relative to the sale of the Governor's circle,	196	Davis,		196
199	Relative to fines collected by justices,	196	Kelso,	rejected	197
200	Relative to paper for the use of the members,	197	Colerick,		197
201	To exempt certain persons from working on school houses,	197	Vandever,	rejected	209
202	On the subject of the Indiana college,	209	Dorsey,		210
203	In reference to the military system,	210	Kelso,		510
204	On the subject of extending the time for redeeming forfeited school lands,	210	Brady,		210
205	For an allowance to C. B. Smith as prosecuting attorney pro. tem.	210	Crume,		216, 242, 284, 289
206	To amend the act regulating prisons and prison bounds,	210	Smith of R.,		234
207	Relative to copies of the report of canal commissioners being de- livered to them,	234	Colerick,		318, 408
208	Relative to the affairs of the General Post office,	234	Wallace,		236
209	On the subject of the order of business,	234	Dunn,		243
210	Relative to taking the depositions of President judges, &c.,	243	Smith of F.,		

211	To repeal the act regulating prison bounds,	-	243	Evans,	243
212	Relative to free negroes, &c.,	-	244	Vandever,	244
213	To amend the revenue law,	-	244	Brown,	244
214	For an allowance to S. Bigger for services as special prosecuting attorney,	-	244	Kilgore,	244
215	To amend the act for the relief of the poor,	-	244	Moore,	244
216	To adopt Mr. Barber's system of regulating the militia,	-	261	Wilson,	261
217	To amend the 13th section of the execution law,	-	261	Moore,	rejected
218	To increase the pay of the president of the Senate and Speaker of the House of Representatives,	-	262	Wallace,	290
219	Relative to the agent of the three per cent. fund,	-	265	Kiser,	265
220	Calling on the Auditor to furnish list of polls, &c.,	-	265	Fairman,	265
221	Relative to the adjourning hour,	-	265	Clark,	rejected
222	In relation to the National road in Indiana,	-	268	Bigger,	
223	On the subject of an appropriation on Michigan road,	-	269	Brady,	
224	On the subject of the canal lands lying in Ohio,	-	271	Huntington,	269
225	On adjourning the House,	-	274	Snapp,	271
226	Making the bank bill the special order,	-	274	Dunn,	274
227	Relative to a division of the Michigan road,	-	275	Davenport,	275
228	In relation to the three per cent. fund,	-	275	Smith of R.,	275
229	On the subject of amending the 69th section of militia act,	-	275	Bennett,	283
230	In reference to the report of the commissioner of the Michigan road,	-	277	Dorsey,	277
231	Relative to the order of business,	-	283	Evans,	rejected
232	On amending the 68th section of act relative to crime and punishment,	-	284	Howell,	post. indefinitely

# RESOLUTIONS—Continued.

60

No.	Subject matter of.	Introduced.	Mover's name.	Other proceedings.	Adopted.
233	On taxing Michigan road land,	284	Mr. Guion,		284
234	On the subject of the school law,	284	Stanford,		284
235	On the subject of the election of a canal commissioner,	295	Hardesty,		295
236	On the subject of electing agent of three per cent. fund,	307	Dunn,		
237	Relative to the quantity of land &c. in the old land office district,	317	Leslie,		317
238	Relative to adjournment, <i>sine die</i> ,	346	Howell,		478
239	On the subject of one person being justice of the peace and county commissioner,	346	Kelso,		346
240	On the subject of adjourning, <i>sine die</i> ,	362	Reid,	408, 477	
241	On the subject of the election of commissioner of the Michigan road,	393	Huntington,		
242	Authorizing enrolling clerk to employ assistants,	397	Evans,		397
243	Relative to printing extra copies of bank charter,	398	Fairman,		401
244	Relative to electing commissioner of Michigan road,	414	Evans,	419	420
245	On the subject of the adjournment of the House,	426	Evans,		426
246	On the subject of electing bank directors,	437	Stuart,		
247	In reference to the election of president of the bank,	458	Willett,	449	459



466  
467  
516  
532

Huntington,  
Wilson,  
Huntington,  
Howell,

466  
467  
516  
532

248|In reference to the election of bank directors, -  
249|Extending the time for redeeming land sold for taxes,  
250|Tendering thanks &c. to the Speaker, -  
251|For a committee to wait on the Governor, -

*JOINT RESOLUTIONS which originated in the House of Representatives.*

No.	Title.	Proceedings.		Passed H. R.	Passed Senate.	Other pro- ceedings.	Approved.
		Introduced.					
1	Relative to the Louisville and St. Louis mail route,	38	52, 109	137	186	194, 208	213
2	Concerning appointment to office by General Government within this state, . . . . .	87	99, 115, 125				
3	In relation to Miami title to lands, . . . . .	87	99, 122	137	242	251, 266	267
4	Concerning the State Library, . . . . .	90	100, 145	204	431	453, 480	491
5	Relative to the Tippecanoe battle ground, . . . . .	98	114	137	186	194, 208	213
6	Requiring Secretary of State to furnish Parke county revised code, &c., . . . . .	108	127	137	186	194, 208	213
7	To extend the time for completing Blackford's reports, . . . . .	128	137	143	207	213, 229	250
8	A memorial on the subject of a national hospital on the Ohio river,	133	143	204	431	453, 480	491
9	A memorial and joint resolution for an appropriation to improve the Wabash and White rivers, . . . . .	142	158	214	431	453, 480	491
10	Relative to the removal of the Pension office, . . . . .	149	188, 216, 226	236			
11	For the relief of William Bilsland, . . . . .	154	198	233	307	316, 320, 329	338
12	Relative to the public lands, . . . . .	157	198, 312, 317				
13	On the subject of education, . . . . .	157	198, 510				
14	On the subject of the National road, . . . . .	224	251	260	444	466, 509	521
15	Relative to horses lost by Indiana rangers in the service of the United States, . . . . .	243	372	372	422	425, 450	463
16	Relative to the franking privilege, . . . . .	244	383	427			





## JOINT RESOLUTIONS which originated in the Senate.

No.	Title.	Received from Senate.	Proceedings.	Passed H. of R.	Other proceedings.	Approved. See Senate journal.
1	On the subject of divorces,	102	114			
2	Relative to the appointment of officers of the General Government to offices in Indiana,	147	<div> <div>159,197,277</div> <div>280,284,318</div> <div>352,408</div> </div>			
3	Relative to the improvement of the harbor at Trail creek,	147	159	213	230, 241	
4	For improving the navigation of the Ohio river at the Falls,	155	199	255	272, 286	
5	In relation to the acts and journals of the State and Territory of Indiana,					
6	In relation to horses lost by the rangers raised, &c.,	226	252	512	525	
7	Relative to the three per cent. fund,	328	329	391	405, 425, 450	
8	For the survey of the lands along the Wabash and Erie canal, &c.	376		428	452, 480	
9	Relative to the cession of the Wabash and Erie canal lands which lie in Ohio,	444		444	446, 458, 526	
10	In relation to a reduction in the price of public land,	490		490	526	
11	Relative to the distribution of the bank charter,	506		506	524	
		531		531	531	

	<i>Page.</i>
<i>Ripley county, member from appears,</i>	4
<i>(Petitions from the citizens of,)</i>	
For a road from Harrison to New Lexington,	27
For a road from Lexington to Harrison,	107
do. do. do.	121
<i>Rules, adopted,</i>	7
proposition to amend.	12
joint rules proposed to be amended,	418
message from Senate in relation to,	433
<i>Rush county, members from, appear,</i>	8
<i>(Petitions from,)</i>	
Remonstrance against a change in a road,	305
Of Peter Graffort,	377
Letter of Vanpelt on same subject,	377
On the subject of the 3 per cent. fund appropriated to Rush,	377
<i>Scott county, member from, appears,</i>	4
<i>(Petitions from,)</i>	
Of I. Blackford and others on the subject of a road,	89
Of Richard L. Dixon,	361
<i>Senate, quorum assembled,</i>	7
inform the House that they are ready to adjourn	
<i>sine die,</i>	532
<i>Shelby county, member from, appears,</i>	4
<i>(Petitions from,)</i>	
For a change in the Shelbyville and Greenfield road,	71
Of Jacob Vernon and others,	266
Of Powell Deans,	283
Of James Williams and others,	282
Of Balsor Fox and others,	287
For a change in the Edinburgh road,	356
Of John Ogg, &c. for a road,	397
<i>Speaker, N. B. Palmer elected,</i>	5
lays before the House communication of Riddel,	282
valedictory address of,	532
<i>Spencer county, member from, appears,</i>	4

*(Petitions from,)*

Remonstrance as to change in the Levenworth road,	201
On the subject of a bridge over Anderson river,	254
State House, List of borrowers of fund,	64
State Prison, report of visitor to, communicated by the Governor,	102
St. Joseph county, member from, appears,	4

*(Petitions from,)*

Of John Green &c. for a road	152
For the incorporation of a manufacturing company,	272
For a road,	487
Sullivan county, member from appears,	4

*(Petitions from,)*

Of Daniel Fetter,	155
On the subject of the navigation of Busseron creek,	271
For a road from Carlisle &c.	319
Switzerland county, member from, appears,	88

*[Petitions from,]*

Of G. Land &c. for a road,	146
On the subject of a county seminary in Switzerland county,	248
Of B Campbell and others,	253
For a road from Rising Sun to Cross Plains,	296
For a change in the militia law,	338
A remonstrance on the subject of a road,	338
On the subject of the Switzerland county seminary,	397
Three per cent. fund, report of the agent of,	46
report of the committee in reference to,	218
communication from agent of,	265
communication from agent of,	297
proposition to elect agent of,	307
Tippecanoe county, one member from, appears, viz:	
T. B. Brown,	4
Loyal Fairman a member from, appears,	26

*[Petitions from,]*

Confining business to proper townships,	82
---	----



	<i>Page.</i>
For a bridge over the Kankakee river,	211
For and against a new county,	221
On the subject of the Wabash and Erie canal,	227
On the same subject,	288
For the incorporation of Lafayette,	343
On the subject of a canal,	361
<i>Treasurer, annual report of, (see reports.)</i>	59
communication from,	346
<i>Union county, members from, appear,</i>	4
[ <i>Petitions from,</i> ]	
For the location of a road,	116
<i>Vanderburgh county, member from, appears,</i>	4
( <i>Petitions from citizens of,</i> )	
For additional compensation to associate judges,	27
On the subject of a hospital at Evansville,	103
<i>Vermillion county, members from, appear,</i>	5
[ <i>Petitions from,</i> ]	
Of Lewis Jones and others,	319
A remonstrance on the same subject,	319
Of John M. Coleman,	355, 360
<i>Vigo county, member from appears,</i>	4
[ <i>Petitions from,</i> ]	
Of Samuel M'Quilkin and others,	248
<i>Warren county, member from appears,</i>	4
[ <i>Petitions from,</i> ]	
For the sale of a school section,	51
To attach a part of said county to Tippecanoe	107
<i>Warrick county, member from, appears,</i>	4
[ <i>Petitions from citizens of,</i> ]	
Of Amos Clark for relief,	42
For authority to build a mill dam,	71

*Washington county*, members from appear, . 3

*Petitions from*, .

For and against a road from Orleans to, &c. . 139

*Wayne county*, members from, appear, . 3

[*Petitions from citizens of.*]

To extend the powers of the trustees of Richmond, - 27

To give builders of houses a lien for their work, - 51

On the subject of a state bank, - 72

On the subject of taxing dogs, - 103-4

Remonstrance on same subject, . 103

Remonstrance against a road from Ohio line to Richmond, 132

Of W. Wright for a road from Milton to Muncietown, 147

Of W. Baker and others for Muncietown road, - 152

For the incorporation of Centreville, - 191

Remonstrance in relation to tax on dogs, - 229

For authority to make a lottery, - 236

*White George*, of Louisville, Ky. petition for relief of, - 51





State of Indiana,  
Marion County, S.S.

I, Demarchus C. Brown, State Librarian in and for the State of Indiana, and as such, ex officio custodian of the printed records of the proceedings of the legislature of said state, hereby certify that the annexed volume entitled: "Journal of the House of Representatives of the State of Indiana, being the 18th session of the General Assembly begun and held at Indianapolis in said State on Mon. the 2nd day of November, 1833" is the original official volume of said Journal now on file in my said office, and as such is entitled to full faith and credence.

In witness whereof I have hereunto set  
my hand and caused the seal of my said  
office to be hereto affixed in my said  
office this 8th day of March, 1917.

*Demarchus Brown*  
State Librarian









